The *other* reason men like Lara Croft

Exploding the Genome Myth

The Washington Monthly

Reviews by Gregg Easterbrook, Bruce Reed and Joshua Micah Marshall

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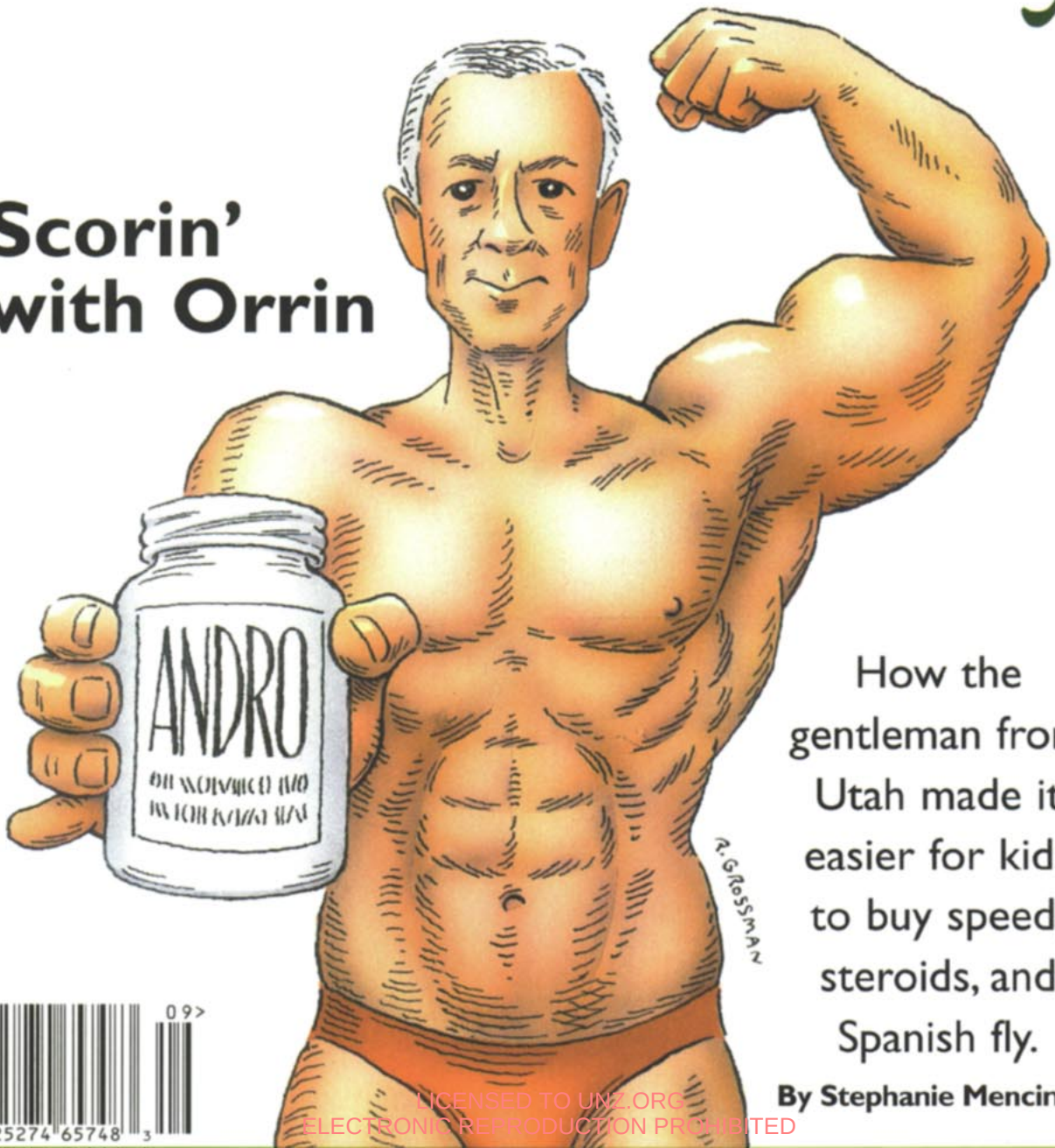
Scorin' with Orrin



How the gentleman from Utah made it easier for kids to buy speed, steroids, and Spanish fly.

By Stephanie Mencimer

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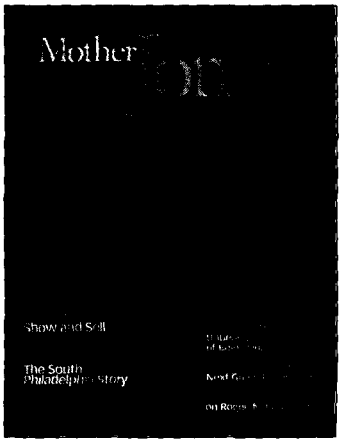

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Letters

Carrot Sticks

Matthew Miller's account of the challenges facing Los Angeles Unified School District Superintendent Roy Romer ("The Super," June 2001) does a good job of shedding light on the complexities of school reform. And yet, Miller undercuts that analysis with simplistic solutions that are not supported by any facts within the story.

The teacher shortage in Los Angeles is one of the most severe in the nation. Miller's answer: dangle a carrot for a few people through merit pay. How does one contend with the social, political, and economic complexities of a district that serves 725,000 students? Miller's answer: throw a new bone of contention into the mix with private-school tuition vouchers.

Let's give Romer credit for his courage and experience in crafting imperfect solutions to real world situations. Simple solutions can only be implemented when the real world melts away.

BOB CHASE, PRESIDENT
National Education Association
Washington, D.C.

Temper, Temper

While Matthew Miller ("The Super," June 2001) may suffer from a case of Roy Romer hero- worship, those of us who know what he did to the Denver public schools have long since recovered. Romer did not successfully mediate teacher talks in Denver. Instead, as governor, he invoked an ancient state law giving the executive the absolute right to intervene in labor disputes. Romer dictated a "site-based management" scheme into the Denver teachers contract and declared that this would improve student achievement. Not.

In the 10 years since, the school system has fragmented and the ability of the elected board and its superintendent to manage the schools has been limited by the decentralization created by Romer and embedded in the teachers' contract. How ironic that he now laments the power of the teacher unions; 10 years ago, he complained about the "central bureaucracy." I hope that L.A. schools can survive a Romer temper tantrum; I don't think Denver's did.

JOANNE MARIE ROLL
Denver, Colo.

Meg-alomania

Somebody finally said it, and leave it up to *The Washington Monthly*'s Timothy Noah to do it: Whatever her other talents may have been, Meg Greenfield was a terrible writer. Among the many writing traps she often fell into, Greenfield wrote the longest sentences of any mid-20th-century journalist in my memory. By the time a reader got to the "period" in one of her sentences, you often had to go back to the beginning to remember what she was talking about in the first place. On reading her columns, I used to play a game of "count-the-words" in her prose. The record: a remarkable 120-word sentence. That's lung power, or in her case, finger power. Perhaps obfuscation was her secret. Now, will somebody please explain to me how Barbara Walters manages to stay on television?

MICHAEL GRACE
Brinklow, Md.

The Devil and Dr. Laura

Hear, hear! Until reading "The Baby Boycott" (June 2001) I thought I was the only woman around who was this pissed off. The only thing you forgot on the list of particulars: What happens when you *can't* just "find another job" because tax cuts for rich people are way higher on the priority list than universal health coverage for children?

Here's my own personal horror story: When I was about six months pregnant, I fell down a flight of stairs at work and injured my ankle. While I was sitting in the hospital weeping because it hurt so much, the doctor whipped out of his pocket a column by Dr. Laura about the evils of working mothers and refused to treat me until I read it. When I informed the doc that if I didn't work, nobody in my family would have health insurance, he told me that I should be able to make do.

Thanks for an incredibly illuminating article that should be required reading for every man in the country. You guys rock!

CREDENCE FOGO
Via e-mail

A Modest Proposal

I'm starting to get tired of articles which argue that a decreasing birth rate is a bad thing ("The Baby Boycott," June 2001). As far as I'm concerned, in this area, and most other areas of the world, it's an excellent thing.

People have not stopped having babies because of any political, social or employer-initiated action. They've stopped because it's not a particularly good idea. Nowhere on the entire surface of the earth is even one additional human needed for any reason whatever who cannot be supplied from stock elsewhere.

There's much hand-wringing about what a decreasing birth rate will do to the future stability of the economy, both here and overseas, but when the option is posed of, "well, how about loosening immigration?" the truth comes out. "We don't want those people reproducing." There are plenty of people who can move here and support the economy, but unfortunately they're not white and Protestant and educated.

Those people who are going to have children have already shown their tendency to do it in the face of adversity, policy, employment practice, their ability to pay for it, the ability of a community to absorb it, or even good sense. Changing policies will not change birth patterns in any way. A decreasing birth rate may indicate that women are wising up and choosing to live their lives for themselves instead of in response to societal pressures to pop out babies. I applaud this.

Stephanie Mencimer's article perpetuates the idea that private choice must be subsidized by private employers who have every reason not to have employees with young children. A child-burdened employee is a distracted employee, one certain to run up the employer's health-care costs, take additional paid and unpaid leave, and be less productive. The supporters of such handouts insist that "there's a greater

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good" served by having workers with children, but to the employer, there is none. To society, there is ... little or none. Why should I pay for that?

SCOTT WENZEL
Childfree Families
via e-mail

Warts and All

Your article, "Oh. Canada" (June 2001) displayed a blatant misunderstanding of potato phytosanitary concerns and impugns the integrity of the scientists at the U.S. Animal and Plant Health Inspection Service (APHIS).

The disease potato wart discovered in Prince Edward Island was not a virus, as claimed by Joshua Kurlantzick, but a fungus (*Synchytrium endobioticum*). Potato wart can be very damaging to potato production, is very difficult to eliminate once it is established, and can persist on its own for over 35 years under harsh conditions. For these reasons and others, there is a worldwide quarantine on potato wart.

APHIS has intervened in this case to protect U.S. potato farmers from this noxious disease. Your author's suggestion that the United States intervened "even though the virus was not harmful to humans," just displays complete ignorance of phytosanitary issues. Of course potato wart is not harmful to humans; it is quarantined because it is harmful to potatoes. This type of protection is far preferable to the expensive alternatives of environmentally damaging chemical sprays.

In the meantime, negotiations between the United States and Canada have been successfully concluded. Unfortunately, media coverage like yours just makes it harder for reasonable approaches to work.

PETER JOYCE
Madison, Wisc.

Sleep Easy Tonight

Joshua Kurlantzick's article (Oh. Canada," June 2001) gets it right in identifying Canada as "by far America's largest trading partner" with "deep cultural, economic and political ties," but his characterization of the Bush administration's attitude toward Canada as an "afterthought" and portraying Canada as a potential terrorist haven, is seriously off the mark.

The fact is President George W. Bush and Prime Minister Jean Chrétien have established an excellent relationship—one that is reinforced by exceptionally warm and open contacts between cabinet members on both sides of the border. Since their first meeting last February, the two leaders have talked to each other frequently by telephone and have met in a number of multilateral gatherings, including the Summit of the Americas in Quebec City last April.

Americans can rest assured that Canada remains a strong and reliable partner in the opening of markets through trade liberalization, in the search for new energy supplies that meet sustainable development objectives, and in the fight against terrorism. No two countries collaborate more closely and none has shown greater leadership in the world community through strong, ongoing international cooperation and action.

TERRY COLLI
Director of Public Affairs
Canadian Embassy
Washington, D.C.

More Girls on the Bus

How about having more than one female writer out of 13? Not that I hold out much hope of that changing anything drastically, but it might go a little way towards the media covering things that actually affect the daily lives of 99 percent of the occupants of this country as opposed to the 1 percent who write four-figure-plus checks to buy influence.

CHARLOTTE WILSON
San Antonio, Texas

The Editors reply: We're trying. Please see this month's table of contents.

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Founding Editor Charles Peters
Publisher Tara Mansbridge
Editors Joshua Green, Stephanie Mencimer, Nicholas Thompson
Associate Publisher Christina Larson
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Nickel and Dimed - II

In last month's *Washington Monthly*, we suggested that better-heeled Washingtonians might find some time to read the new book *Nickel and Dimed* by Barbara Ehrenreich, in which the author describes her experiences and the lives of her co-workers as she spent a year among the working poor in a variety of minimum-wage jobs: sales clerk, hotel maid, cleaning woman, nursing-home aide, waitress.

The book subsequently received an important plug from Bob Herbert in his *New York Times* column. "The only honest conclusion you can reach after reading Ms. Ehrenreich's book is that you can't make it in America on $6 or $7 an hour," he wrote. "Not if you're only working one job. And if you have children, you can't even come close to making it."

The biggest problem, Herbert noted, is housing. "Affordable housing has gone the way of the double-feature movie and 30-cents-a-gallon gas. It is not uncommon for poor people to spend more than half their meager monthly incomes on housing." Often a shared room with a hot plate at best. Health insurance? Forget it.

The problems of the so-called working poor were further highlighted in a recent report from the Economic Policy Institute in Washington. The report makes clear that work alone doesn't ensure a decent standard of living. Many families with two parents and incomes above the official poverty line still face critical hardships that many of us cannot even imagine. Lack of access to needed medical care is but one example.

"Ms. Ehrenreich's book should be required reading for every member of Congress," wrote one *Times* reader. "Maybe then it will be ready to pass legislation to lift the poor out of poverty." We encourage everybody to read it.

This being Washington, readers are probably wondering how much we are being paid to promote this book. In the interest of full disclosure, we are happy to say that we have no relationship, financial or otherwise, with either the publisher or the author. We don't know them at all. But we know and admire many of the working poor in this city. We know they need our help. And we are grateful to Ms. Ehrenreich for so eloquently and courageously documenting their case.

John Adams Associates Inc.
public affairs consultants
Washington DC

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Tilting at Windmills

BY CHARLES PETERS

Viagra and the Performing Arts • The Rebate That Isn't • Virtuous Salads and Naughty Desserts
Tom Daschle's Hillary Problem • E-mail and the Overflowing Inbox

THERE IS MUCH THAT IS marvelous about Barbara Ehrenreich's recent book, *Nickel and Dimed.* Most impressive of all is her first-hand reporting of what it's like to work in a low-wage job. This is the kind of journalism this magazine has long encouraged. It takes enterprise, imagination, and guts—all of which Ehrenreich possesses in generous amounts.

My one quarrel with the book is that she dismisses housework as inherently demeaning. Of course, it can be demeaning. But it is less and less so these days. The reason is that increasingly the employing couples are at work and away from the house. When my housewife mother used to oversee our maid with new instructions every fifteen minutes or so, I used to feel sorry for the poor soul. Mother was a nice woman, but that much supervision can be maddening.

Most of today's domestic employers, though, are not at home. They are at the office. Even when they are at home, they're likely to be busy working in their home office. So the housekeeper is free to proceed at his or her own pace, thinking about whatever comes to mind. And this to me is the magic secret: being free to set your own pace, your mind free to roam where it will.

In my adolescence, I held a number of bottom-of-the-chain jobs, chief of which was as a private in the United States Army. Of all those jobs, the one I enjoyed most was messenger. As a messenger, I was free to think about politics, sports, and girls—the three subjects that, in reverse order, engaged my imagination the most. Unsupervised housework offers similar freedom. And since housekeepers are in short supply, they don't have to work for people who leave too onerous a list of written instructions or, as in Ehrenreich's case, a cruddy toilet bowl.

In the Washington area, housekeepers can earn $20 an hour. If they work through a company, however, they get less and can be required to work tight schedules that are as bad as being supervised by my mother. The companies are popular because household couples don't want to do Social Security paperwork and run the risk of employing illegal immigrants. If the laws were changed so that the employer of a household worker who worked fewer than, say, 10 hours a week for that employer was not responsible for Social Security paperwork and had no responsibility for determining the immigration status of the employees, many of these companies would go out of businesses, and the housekeepers could have the best-paying jobs to choose among. And they, too, would have the glorious opportunity to daydream.

When a woman says she'll be ready in five minutes, she's using the same meaning of time as the man who says the football game has five minutes left.

•••••••

DID YOU THINK THAT WHAT Bush calls a rebate is really a rebate? Most people I know think that they were getting a rebate on the 2000 taxes they paid in April. What they're actually getting is an advance on the money they will save next year because of the tax cut. If you got a $300 "rebate" this year, the tax cut will save you $300 less next year.

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IF YOU'RE NOT WORRIED ABOUT Bush's plans to expand Alaskan oil drilling, you might consider that there are now only five inspectors to police all the pipelines in the state. Even Indiana, which produces only 2.5 million barrels of oil annually compared to Alaska's 400 million, has nine inspectors. What's more, Alaska's inspectors don't make surprise visits. They tell the companies when they're coming so they have time to clean up their act.

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"I'VE SPENT HALF THE DAY catching up on my e-mail," a friend told me last week. How long had he been away? One week. E-mail, as we pointed out not long ago, has become a major time-consumer. It reminds me of a phenomenon I encountered when I was a government bureaucrat: the tyranny of the in-box. When you arrived in the office each morning, you usually found your in-box overflowing with memoranda. The reason was that everyone sent copies of their memos to practically everyone of any importance either to impress them or for fear of offending them.

And you, the recipient, wanted to be on the receiving end. After all,

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if you're not getting the memos, it probably means your power and influence are thought to be diminishing.

In any event, the solution to this problem, which I urge on the victims of e-mail today: First do what you have to get done that day, then go to e-mail. Going through it at the end of the day when you're eager to get home is more likely to make you quicker to discard the marginal and the junk than to sit back and carefully peruse everything as if you had all day.

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BUT I MUST SAY I DO ENJOY some of those e-mail jokes. Did you read the one about the differences between men and women?

Two examples:

"When a woman says she'll be ready to go out in five minutes, she's using the same meaning of time as when a man says that the football game has five minutes left."

And "never in the history of the world has a man excused himself from a restaurant table by saying 'Hey Tom, I'm going to the men's room. Want to join me?'"

••••••••

I RECENTLY DISCOVERED ANOTHER difference between the sexes. My wife and I went to a luncheon sponsored by a women's organization where women made up 90 percent of the audience. The main course was a salad. But then came a giant slice of chocolate ice-cream cake. I turned to my wife and remarked that the two courses seemed somewhat inconsistent. Her answer was that a similar menu was served at almost every women's lunch, whether it was an organized group or just a few girls getting together. First a virtuous salad, followed by a naughty goodie. I'm sure this is an important clue to the feminine psyche, one that I suspect, had I understood it, could have proved invaluable to me during the dating days of my youth.

••••••••

SPEAKING OF MY WIFE, SHE volunteers a half-day each week at a poverty program called Bread For the City. Part of her job is to interview poor people about their situations. She reports that one of their main problems is the shortage of apartments they can afford. HUD has a rent-subsidy program but nationally it provides only 2.9 million subsidized apartments for 5.1 million low-income families that qualify for help. Here in D.C., 15,000 families are on the waiting list. In California, according to Jennifer Oldham of the *Los Angeles Times*, "One low-income unit exists for every four households that need one."

And the problem is getting worse, not better. Landlords are opting out of the subsidy program so that they can rent to higher-income tenants. What this means here in D.C. is that 2,000 families that have federal housing vouchers can't use them because of the lack of space. If you doubt the reality of this problem, please read Ehrenreich's account of the desperate search for housing while she was working a low-wage job in Minnesota.

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IN JULY, THE D.C. CITY COUNCIL held a hearing on a bill to restrict cell-phone use by drivers. Guess who was there to oppose it? The phone manufacturers—Nextel, Cingular Wireless, AT&T Wireless, VoiceStream Wireless, and Sprint PCS. The companies, it appears, prefer making money to saving lives.

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SOME GOOD NEWS ON THE CELL phone front: After King Abdullah of Jordan complained about a cell phone ringing during prayer service in his mosque, Image Sensing Systems developed a cell-phone jamming device. Thus far, it has shipped 5,000 of the inventions around the world, demonstrating that profit can be made by doing good. The problem in the United States is that the FCC has made cell-phone jamming punishable with an $11,000-per-day fine. So if you want movies, concerts, and religious services uninterrupted by ringing phones, you're going to have to write the FCC—and it's a good idea to send a copy to your congressman.

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YOU PROBABLY SAW ON TELEVISION the horrible damage done by the July floods in West Virginia. But did you know the flooding was made worse by mountain-top removal, a practice that in itself is hideous? Mountain-top removal decreases the number and length of streams by filling in valleys and concentrating the runoff, which in turn increases the chance for flooding. A federal study reported by Ken Ward Jr. of the *Charleston Gazette* found that just "one huge valley-fill would increase runoff by 42 percent."

••••••••

WHY DO PEOPLE CHOOSE TO build houses where disaster is likely to strike? Each year thousands of homes are built where forest fires, floods, and hurricanes are predictable hazards. They expect the government to bail them out when trouble strikes. It breaks my heart when I see some young forest-fire fighter say, "We're determined to save these homes," when he's risking his life to save some rich couple's vacation palace that should never have been built where it was. In Jackson Hole, Wyoming the threatened homes the young men are worrying about average $5 million in value.

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BILL CLINTON, *The Washington Post's* John Harris reports, will soon become active on such public issues as fighting AIDS in the Third World and racism at home. It's about time. For the last six months, he's struck me as an American Duke of Windsor, appearing at tennis and golf matches and other celebrity events and doing little else besides making speeches, for which he's getting $125,000 at home and

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$250,000 abroad, which may explain why so many of the matches seem to be in Europe. He may have been—indeed, I think he was—a better president than Jimmy Carter, but he has a long, long way to go before he'll be considered a better former president than Carter.

(Three of the four friends I asked to read this item thought it was too hard on Clinton. It is certainly true that there is something about Bill Clinton that brings out the caustic in his critics. Indeed, I have often lamented this tendency toward overkill in my fellow journalists' comments about him. Perhaps my phrasing was similarly too severe, but my advice is really offered in the same friendly spirit as my 1993 warning to him to watch his tendency toward imprudent sexual adventure. My current concern is that, like the duke, he has a predilection for hanging out with celebrities and for wallowing in self-pity. He is also one of the great natural leaders of my lifetime, a man capable of doing enormous good. And it is this side of him that I pray will dominate his ex-presidency.)

••••••••

IF I HAD TO CHOOSE NOW, TOM Daschle would be my candidate for the Democratic nomination for president in 2004. Some of my friends think that he lacks star-power, but almost every time I see him on television I find him engagingly straightforward, without a trace of the stuffy pretentiousness characteristic of politicians whose regard for themselves is excessive. His command of the issues is impressive. And other senators tell me that he is consistently fair and reasonable in his dealings with them.

Of course, his downside as a candidate is that, as a senator, he has had to take stands on a great many controversial issues, building a record certain to displease significant interest groups. This explains why we have not elected a sitting senator to be president for more than 40 years. Given that the last one was John Kennedy, maybe we should try again.

••••••••

THE MOUNTING EVIDENCE OF THE Bush administration's anti-regulatory—meaning anti-health and safety and pro-monopoly—bias is now reaching an appalling stage. Sheila Gall is proposed as chairwoman of the Consumer Product Safety Commission, even though her record on a child safety device is embarrassingly pro-industry. John Ashcroft let the tobacco industry know that he favors settlement of the federal government's suit, thus undercutting the government's negotiating position. The FCC repays Rupert Murdoch's devotion to conservatism and the GOP by letting him control two New York TV stations as well as *The New York Post*, violating the old FCC policy that a newspaper owner could not own a television station in the same city.

The Bush administration's bias against regulation has reached the appalling stage.

John Graham, Bush's choice to head OMB's Office of Information and Regulatory Affairs, which makes him a regulatory czar who can block any rule, has argued that smog protects people from too much sunlight, that pesticides are a "trivial" concern, and that cell phones should not be regulated.

Harvey Pitt, Bush's choice to head the Securities and Exchanges Commission (SEC), earned $3,055,578 representing such clients as Datek Online, Merrill Lynch, Dean Wittier, Prince William, the New York Stock Exchange, and the Big Five accounting firms, as well as the trade associations, the securities fund industries, and the American Institute of Certified Public Accountants—all of which are supposed to be regulated by the SEC.

••••••••

EVERY DAY SEEMS TO BRING A headline like "Early Win Emboldens Lobbyists for Business," "FCC OKs Radio Mergers," "Labor Choice Decried Ergonomics Rule," "Dioxin Report by EPA on Hold," "Bush Plans to Shift Some EPA Enforcement to the State, "With Nominees, Bush Lays Wide Path to Deregulation." All this comes at a time when, as we keep pointing out, the need is for more and tougher regulation evidenced by such headlines as "Complaints on Movers are Rising," "Congress Scuttles Watchdog Agency," "U.S. Report Faults Agency That Oversees Investor Claims," "Critics say U.S. Energy Agency is Weak on Oversight of Utilities" and, after the recent CSX tunnel accident, "Baltimore Derailment Part of National Trend."

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BACK TO TOM DASCHLE FOR A moment. One drawback to his candidacy is that he has a Hillary Clinton problem. His wife, Linda Hall Daschle, works for the Washington law firm of Baker, Donelson, Bearing, and Caldwell. This is a situation similar to that of Mrs. Clinton while she practiced with the Rose law firm during her husband's governorship. She says, according to Leslie Wayne of *The New York Times*, "that she has made it clear that she doesn't lobby her husband or his Senate colleagues." But it's hard to imagine that the other members of the firm hesitate to let a prospective client know that the Senate majority leader's spouse is among their colleagues, meaning that Mrs. Daschle's presence in the firm is used to attract business just as Mrs. Clinton's was. That seems so inevitable that we can hardly

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blame Mrs. Daschle, but we can and should blame Tom Daschle if he ever permits one of her clients to unduly influence his official actions.

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JOHN POLLARD, WHO WAS A GOVernor of Virginia from 1930 to 1934, is the author of *A Commentary: Definitions Not Found in Dictionaries.* One definition that, as a former bureaucrat, I especially like: "Committee: A group of men who keep minutes and waste hours."

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BACK TO RENTERS for a moment. Did you know that Congress has enacted tax policies that have the effect of screwing the renter and subsidizing the individual home owner? This means that the areas hurt the most are the central cities. According to *The Washington Post*, the net transfer of wealth from central cities to suburbs, as a result of tax policies, is $18 billion.

Second-rate education schools have too much power over the credentialing of teachers.

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ONE MORE REASON HEALTH-CARE costs are rising: According to a recent survey of medical residents, reported in *The Wall Street Journal*, 90 percent of beginning primary-care physicians expect to earn between $101,000 and $150,000 in their first year. Of the specialists, 82 percent expect first-year income to exceed $150,000.

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SPEAKING OF HEALTH-CARE COSTS, you probably know that generic drugs are cheaper than the brand-names. Then why aren't there more of them? One reason is that the big drug companies use lawsuits to delay or prevent generic drug production. Another is because the generic producers often can't afford protracted litigation. How Schering-Plough used these legal techniques to protect Claritin from competition and how other drug manufacturers have behaved similarly are documented in a July *Wall Street Journal* article by Gardiner Harris and Chris Adams. Another way generic production is discouraged, according to ABC News, is by the big company paying the small generic company not to produce or to produce in limited quantity. This sounds like bribery. Where is the Department of Justice?

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TOO OFTEN, THE MEDIA WILL focus on one element of a larger story and beat the drums for it while practically ignoring the rest that is often equally or more important. All the attention paid to the Patients' Bill of Rights makes people think it is the main health story, but more important is the story of the 44 million people who are uninsured; the many others who are inadequately insured; and the grossly inadequate system to protect patients from unjust physicians, greedy drug companies, and hospitals where the patient often seems to be the low man on the totem pole.

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SIMILARLY, THE FOCUS ON TESTing encouraged by Bush's education bill should not divert attention from the need for better teachers, better administrators, and better school buildings, not to mention teachers' unions that care more about education than job security and seniority rights for mediocre teachers. The power of second-rate schools of education overcredentialing must be broken so that teachers are hired on the basis of subject knowledge and teaching ability demonstrated in videotaped classroom performances. I was delighted to see that Jay Mathews, *The Washington Post*'s thoughtful education reporter, recently endorsed credentialing based on taped classroom performance, which is now done in Kentucky. Mathews also notes that requiring education courses discourages mid-career switches to teaching by people who have vast experience and impressive subject knowledge. A Nobel laureate in physics who hasn't taken education courses couldn't get hired in most public-school systems today. This is because the education schools, as well as teachers' unions, have too much power over state legislatures. Unless the rest of us organize to fight, they will continue to strangle crucial reform in the credentialing process. Each of those matters seem to me to be at least as important as testing.

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I'M SURE YOU KNOW ABOUT Viagra and all of the blessings it has conferred on the American male. But one you might not be aware of was recently reported by the *Los Angeles Times*. It seems that in the pornographic film industry, male actors sometimes had trouble rising to the occasion when the director said "Lights! Camera! Action!" Viagra has eliminated the problem.

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CONSERVATIVES WHO ARGUE against government programs to help the needy will say that it's up to each individual to help. If we all do our part, there will be no need for government programs. There are several problems with this attitude, one of which is that not everyone, including a lot of conservatives, does his part. But that can't be said of Bill Frist, a Republican senator from Tennessee. A recent column by Al Hunt in *The Wall Street Journal* describes how Frist, who was a physician before he got elected to the Senate, has three times gone to Sudan to contribute his professional skills to helping heal the victims of that country's civil war. He also treats patients at free clinics here in Washington once a month. Although I disagree with Frist on a lot of issues, my admiration for these actions is immense. ●

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Broken Ranks

U.S. News' college rankings measure everything but what matters. And most universities don't seem to mind.

By Amy Graham and Nicholas Thompson

Karen Gentemann hardly looks like a revolutionary. She's a middle-aged bureaucrat who wears light-blue suits and works out of a second-floor office of a drab brownish building at George Mason University in the bland expanse of suburban Fairfax, Virginia.

Nor does Karen Gentemann act like a revolutionary. She's friendly, warm, and matter-of-fact. But she has a revolutionary idea: Colleges should publicly tell people how much learning is achieved on campus. They should do their best to measure it; then they should post the information online. She's got a file cabinet brimming with manila folders from which it only takes her a second to extract the one that shows the best statistical analysis available on how well her school educates students. This may not seem so subversive, but it is. All over the country, administrators like Gentemann have similar manila folders; they just keep them padlocked in basement safes, forever beyond the reach of students, parents, or reporters.

Over the last few years, America's views on education have hearteningly shifted. Politicians, voters, and many educators have come to a rough agreement that improving schools must involve measuring how much students learn and holding schools accountable for those students who fail. As part of the reform effort, schools need to publicly report data about their performance so parents can make informed decisions about where to live and where to educate their children.

Remarkably, higher education in America remains almost completely insulated from the impact of this movement. Log onto almost any college Web site and you'll see the same beautiful students talking about their beautiful campuses and how much they learn. But there are no numbers, no studies, no objective measurements. In a *Washington Monthly* survey of 50 randomly selected research-university Web sites, only 12 percent clearly posted the six-year graduation rate, the most basic statistical measure of effectiveness. Even fewer offered information about student satisfaction with teaching.

Without solid information on what they will learn, students must make choices based on geography, particular programs, or reputation. As Derek Bok, former president of Harvard, has noted: "Competition succeeds only to the extent that customers, judges, or other trusted sources can define success in some legitimate way in order to establish a standard and reward those who best achieve it. In education, at least at the university level, this ability is lacking."

Colleges don't put out good information for several reasons. First, it's hard to measure learning and a college's contribution to it. You can't just run simple tests upon a student's arrival and departure. Grade-school and high-school students also have fairly standard curricula: Everybody studies Thomas Jefferson and equilateral triangles. But college students travel vastly different roads; some pore over Chaucer for four years, others study astronomy.

Second, for at least half a century, academia has eagerly offered precise and quantitative evaluations of everything but itself. College administrators scorn outside accountability and standards and prefer making decisions in the faculty club. In 1997, less than 10 percent of the member schools of the New England Association of Schools and Colleges (the regional accreditation agency for over 200 colleges and universities in New England) reported assessing student learning and using the results to improve teaching.

Third, and most important, it would embarrass many colleges and universities to admit just what happens on

Amy Graham *is the former director of data research for* U.S. News & World Report. Nicholas Thompson *is an editor of* The Washington Monthly.

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campus and how little attention they pay to students.* As the Boyer Commission on Educating Undergraduates noted in 1999, undergraduates at research universities, where a large majority of American students undertake their higher education, "... are the second-class citizens who are allowed to pay taxes but are barred from voting, the guests at the banquet who pay their share of the tab, but are given the leftovers."

Worse, the problem will take years to change because graduate programs have long produced individuals expert in their discipline but awkward in the classroom. Moreover, promotion and tenure procedures on most campuses provide slim rewards for good teaching; professors are often released from teaching in order to focus on research, but it almost never works the other way around. An academic joke describes a traveler in first-century Judea seeing a figure on a cross, dying in agony with innumerable sobbing worshippers at his feet. "Who's that?" asks the traveler. "The greatest of teachers. A man who changed so many lives." "Then why are they crucifying him?" "Didn't publish."

Fortunately, there's a movement underway to change this lack of accountability and the educational neglect it helps foster, led by a few noble administrators like Gentemann. Thank goodness. Just as too many American eighth-graders never learn to read, too many college students learn little more than how to tap a keg.

Oh, My Offense is Rank

Ideally, prospective students and their parents would have access to reliable data comparing each institution on the most important collegiate outcomes: learning, graduation rates, and satisfaction. Prospective students could read it and use the data to help choose their college. School administrators could check on how they stack up against their peers.

Such a system already exists to some degree. Unfortunately, the highly influential *U.S. News & World Report* annual guide to "America's Best Colleges" pays scant attention to measures of learning or good educational practices, even as it neatly ranks colleges in long lists of the sort that Americans love. It could be a major part of the solution; instead, it's a problem.

U.S. News' rankings primarily register a school's wealth, reputation, and the achievement of the high-school students it admits. At one time, most academics believed in one simple equation: Good students plus good faculty equals good school. The rankings reflect this outlook, tabulating things such as percent of faculty with a doctorate (to measure the quality of the professors) and SAT scores of the freshman class (to get at quality of the students). That's like measuring the quality of a restaurant by calculating how much it paid for silverware and food: not completely useless, but pretty far from ideal.

Still, such rankings matter deeply on college campuses. Administrators wait with bated breath for them to arrive each fall and brag when their schools do well; trustees fret about them; campuses even hire independent consultants to help figure out how to game them. Last year, Hobart and William Smith College sacked a senior vice president after she failed to submit fresh data to the magazine, an error that caused her college's rank to tumble.

Academia eagerly evaluates and quantifies everything but itself.

U.S. News nods in the direction of student learning and claims that it already sets out to measure it, assigning, for example, one percent of a college's final score to the ratio of students to faculty on campus—a decent proxy for the kind of close interaction between students and professors that enhances learning. But not only does that proxy represent a minuscule contribution to the final score, the magazine also employs some deeply dubious measures, such as the percentage of faculty with doctorates—a factor largely unconnected to the capacity to arouse interest and to teach effectively, according to Alexander Astin, director of UCLA's Higher Education Research Institute (HERI), who has done the most extensive research on the subject.

Furthermore, in perhaps the greatest indictment of the magazine's educational worldview, average faculty salary (7 percent of *U.S. News*' overall ranking) actually has a negative correlation with student satisfaction and learning. It's largely a proxy for the emphasis the institution puts on research; and, unfortunately, research and teaching appear to be fairly exclusive, again according to Astin's data. The more that a school emphasizes publishing papers, or searching out patentable technology, the less it emphasizes access and commitment to students.

And that's no small matter. Over their four years at college, students at schools with strong research orientations (schools that win kudos from *U.S. News* for scor-

*For more on this topic, please see Jay Zalinger's review, "Alma Matters," on page 58.

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ing well in the categories just mentioned) display decreased satisfaction with faculty and the overall quality of instruction, decreased leadership skills, and decreased self-reported growth in public speaking skills and other measures of student development. In contrast, in schools with faculties highly focused on students (which gain little in the rankings) undergraduates report increased satisfaction with almost every dimension of college and improvement in every academic outcome studied.

Astin's research is complicated—measuring everything from what freshmen know when they show up in the fall to student satisfaction to the various programs, practices, and policies in place at the studied school. That's the only sort of comprehensive data that allows researchers to isolate the quality of an institution from the quality of the undergraduates it admits. *U.S. News* does recognize the value of this approach and has a category comparing each institution's graduation rate to its predicted rate, given the standardized test scores of its entering freshmen. Schools that produce more graduates than expected do well. But the measure is crude; it doesn't distinguish between schools that have lower-than-expected graduation rates because they have challenging curricula and those that simply neglect their freshmen.

U.S. News also suggests that it assesses learning through a survey that the magazine sends to university presidents, provosts, and admissions deans requesting them to rank peer schools' academic programs on a scale of one to five. This survey makes up 25 percent of a school's score and, according to *U.S. News*, "this is how highly knowledgeable college officials rate the educational quality of the schools they feel qualified to rate." That sounds reasonable. But a closer look suggests, not surprisingly, that the college administrators surveyed share the same bias in favor of research that pervades academia. Analyzing *U.S. News*' data, we found that a high reputation score in the college guide correlates much more closely with high per-faculty federal research and development expenditures than with high faculty-student ratios or good graduation-rate performance, the magazine's best measures of undergraduate learning.

To Double Business Bound

U.S. News makes the case that it can't go further in trying to measure learning because solid, comprehensive, and usable data don't exist right now. But none of the data that the magazine uses were readily available—at least in a standardized form—when it first devised the college rankings system in 1985. *U.S. News* built the rankings, and the data came. Universities used to report graduation rates in a bewildering number of ways: four-year, five-year, and six-year rates, with additional variation based on how those rates were calculated. Now, everyone reports in six-year rates in order to comply with the *U.S. News* standard. The same is true of many of the other categories the magazine uses. As the Hobart and William Smith example demonstrates, schools fall over themselves to comply.

The magazine still claims, though, that it is trying hard to measure learning. According to Peter Cary, editor of special projects who oversees the *U.S. News* rankings (who refused an interview but responded to written questions from *The Washington Monthly*), the magazine: "would, indeed, like to have more indicators that measure the actual educational experiences of students and the post-graduate outcomes of their experience. We have been concerned about this for years."

That may be true. But if it is, the magazine has not done a stellar job integrating existing information. Virtually every college in the country asks its graduating seniors to complete a satisfaction questionnaire. Noel-Levitz, a midwestern research firm, consults with over 1,000 campuses and has established national norms for satisfaction surveys. You don't find a trace of these in *U.S. News*. Of course, student satisfaction surveys aren't perfect. But, then again, *U.S. News* only includes one vastly less reliable measure of satisfaction—the percentage of alumni who donate—which depends in large part on alumni wealth and how many pesky sophomores man phone banks in exchange for pizza and T-shirts.

U.S. News also claims that making a real effort to measure learning would be prohibitively expensive. But that's not quite right either. Schools have always paid the cost of gathering the data for *U.S. News*, and there's little evidence that further data collection would remotely risk breaking their banks. Setting up a program from scratch might cost too much for many schools. But the needed infrastructure already exists. For example, participating in Astin and HERI's survey of freshmen costs a school about $1,500. Furthermore, many institutions must measure proxies for learning and provide them to the accreditors who determine if schools are eligible for government grants and aid. So they have to incur the cost or get out of the game—and if they can do it, *U.S. News* just needs to collect the information.

In truth, there's usually a way if you are looking for a solution, and the evidence suggests that *U.S. News* doesn't really think there's a problem. After all, it's been making millions of dollars publishing its rankings of "America's Best Colleges" based on reputation and inputs for almost two decades. Moreover, although it's true that, as Cary says, "We don't hear a clamor from the experts we talk to—including high school guidance counselors—for

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a completely different methodology" it's not clear that the magazine is talking to the right people. Assessment of learning is highly specialized and technical and not the expertise of most college presidents, or admissions officials. Furthermore, these "experts" represent their own institutions and often simply try to tweak the methodology in ways that will benefit their particular schools. They don't represent prospective students or their parents. And few want to publicize the actual rate of learning that goes on at their universities.

There's a case to be made (though Cary denies it) that the magazine hasn't done the legwork needed to fairly measure learning because the rankings already accomplish what the top editors want. As was argued in these pages last year, *U.S. News* originally set out to create a seemingly scientific rankings system that would place well-known universities—particularly Harvard, Yale, and Princeton—on top. Those are the most common places where magazine editors earned their degrees, and the public expects to see them on top. Upsetting that equilibrium upsets the equilibrium in the *U.S. News* publishing offices.

Ranking "America's Best Colleges" without including legitimate measures of the quality of education and instruction defies common sense.

Cary ultimately argues the following: "In the end, we believe that our rankings pass the very important test that all such efforts should pass—the test of common sense." But to many people, ranking "America's Best Colleges" without including legitimate measures of the quality of education and instruction defies common sense, and it was actually this glaring deficiency which sparked the movement towards measuring learning of which Karen Gentemann is a part.

To Give in Evidence. What Then?

In 1996, a group of educators supported by a grant from the Pew Foundation, motivated in large part by outrage at the *U.S. News* college rankings, set out to gather and evaluate data on learning. The result was the National Survey on Student Engagement (NSSE).

Cognitive science has convincingly demonstrated that learning comes down to—no surprise—time on task. The more a student puts into her education, the more she learns, provided she's working on the right tasks. Subsequently, the NSSE survey asks freshmen and seniors to assess time spent—how many hours do they study? talk to a faculty member or students with different political beliefs?—and then shoots back data to schools telling them not only how well they've done but how they compare with peer institutions. NSSE's data are, by far, the most comprehensive effort to quantify how well colleges accomplish their stated principal goal.

Of course, NSSE's data aren't perfect. Most problematically, to a certain extent, they measure student, not institutional, quality. You could lock some students in an empty garage for a year and they'd still learn; other students seem genetically programmed to play beer pong. Wrestling with this difficult issue, NSSE's creators have developed an "Institutional Engagement Index" that shows schools' scores relative to predicted scores based on characteristics of the facility and students. They present this as only "one way" to look at the results, but, in fact, the index (or something like it) is the *only* way to measure *institutional* effectiveness.

Still NSSE's data are the most comprehensive available and the most likely to help spur academic reform—from education measures gathered by state accreditation agencies (which aren't comparable across the country) to efforts to measure skill levels five years after graduation (which have a very hard time sorting out how much college contributes to an individual's success).

Last year, 420 schools participated in the NSSE survey, nearly a critical mass, though virtually none of the big-name research universities decided to play. Cost, once again, is not the problem. A large university would only have to pay about $5,000 to participate in NSSE. Their administrators argue, instead, that requests for surveys inundate them or that they are above measuring learning. According to Virgil Renzulli, associate vice president for public affairs at Columbia University, "Columbia is one of the most selective institutions in the country. We accept just below 13 percent of applications, so, in a way, asking students here whether they like to learn is like going to the Air Force Academy and asking the students whether they like to fly."

Of course, this analogy illustrates the problem. Yes, everyone at the Academy likes to fly. But can they? The Air Force tests students in class, in simulators and in real planes with instructors sitting beside them before they get to graduate. They collect and analyze data on the results and look for better ways to train pilots. Does

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Columbia do the same for its students?

The most prominent schools also dodge the data because large research universities simply don't devote as much time to students as they should, as they say they do, and as they are reputed to. If they aren't going to look good, why should they participate? After all, when NSSE chose to publicize the four top-scoring schools in its 2000 survey, the institutions were Beloit, Elon, Sweet Briar, and Centre colleges. Educators recognize all four as good schools, but none is exactly the choice of most status-conscious members of the meritocracy.

Compounding that problem, before beginning the survey, universities balked at making NSSE's data public, stiffing prospective students who want to know what to expect, and stifling the potential good that could come from prodding universities to pay more attention to their undergraduates. With public data, applicants to large research universities and state schools might see that they'd get more faculty attention at a smaller school. A few top-flight applicants choosing to go elsewhere could shift priorities in the largest schools where it's often easier to see an orthopedist than a history professor.

Some people in NSSE hope that eventually the data will be made public; some don't, and rather hope that universities will simply provide them directly to inquiring prospective students. Right now, NSSE relies on schools helping to finance its survey; and as Peter Ewell, one of NSSE's creators, says, "People won't pay for the gun that shoots them in the head."

It's doubtful however that institutions will be able to keep the data locked up forever. Freedom of Information Act requests or state reporting requirements may well force state universities participating in NSSE to publish results. And, the more administrators like Karen Gentemann who decide to post their data online independently, the more pressure will be put upon the holdouts. When told that her school was one of only a handful to make the results public, Gentemann responded: "I'm shocked. I see no reason why other schools shouldn't be putting it out there too."

All May Be Well

The best solution, of course, would be for *U.S. News* to put the information out there, overhauling its rankings and basing them on the best measures of learning, not the best measures of resources and reputation, that it can find. Two years ago, *U.S. News* did something like this with an issue it published on outstanding high schools. That study had many of the features needed to gauge institutional quality—multiple measures of key outcomes including both measures of learning and academic persistence, controls for students' family background, and a sophisticated statistical analysis of the data. The study was limited to cities in states that had standardized tests; nonetheless, it was a start.

The first step for *U.S. News* to accomplish this goal would be to work to incorporate NSSE's data, or as much of it as *U.S. News* can get, into the rankings. That may take a while. According to Cary, the top editors of *U.S. News* met with the NSSE people and decided not to proceed. "The main hurdle was that NSSE had only surveyed students at [a limited number of] schools. Missing were Stanford, Harvard, Yale, Princeton, and many, many others that are of great interest to high school students and which find prominence in the *U.S. News* listings." *U.S. News* has spoken with the American Association of Colleges and Universities (AACU) about developing similar measures. But the AACU is years away from having data equivalent to NSSE's. It's a step in the right direction, but we believe that soon NSSE will have a critical mass of colleges and that there will be enough Karen Gentemanns around for all the data to be made public. There's also reason to keep the pressure on the magazine. There's something contradictory in a magazine making a mint off of a ranking system called "America's Best Colleges" that virtually ignores educational quality, spurring on a rival movement, and then claiming that, even if the rivals have the right ideas, their numbers just aren't good enough.

Right now, *U.S. News* could be assimilating the available student satisfaction surveys, such as Noel-Levitz's, and using its considerable sway to standardize data across all institutions. The magazine could also revamp its reputational survey to focus on how much undergraduates learn. Instead of asking admissions deans and university presidents to grade their peers, the magazine could send surveys to institutional researchers and people actively involved in assessing undergraduate education.

Academia needs a push. Five years ago, *U.S. News* introduced its category crediting schools for high alumni donation rates, a simple change which spawned scores of programs across the country where students call up alumni to ask for money. By making these changes we've suggested, the magazine could make a much bigger difference. Instead of encouraging students to talk to alumni for the sake of fund-raising, it could encourage faculty to talk to students for the sake of learning.

Research assistance provided by Benjamin Dolnick, Seth Kipp, Jennifer Koons, and Rachel Laskow.

To read Thompson's September 2000 story "Playing With Numbers: How *U.S. News* mismeasures higher education and what we can do about it" along with follow-up articles and a response by *U.S. News*, please visit: http://www.washingtonmonthly.com/rankings.html

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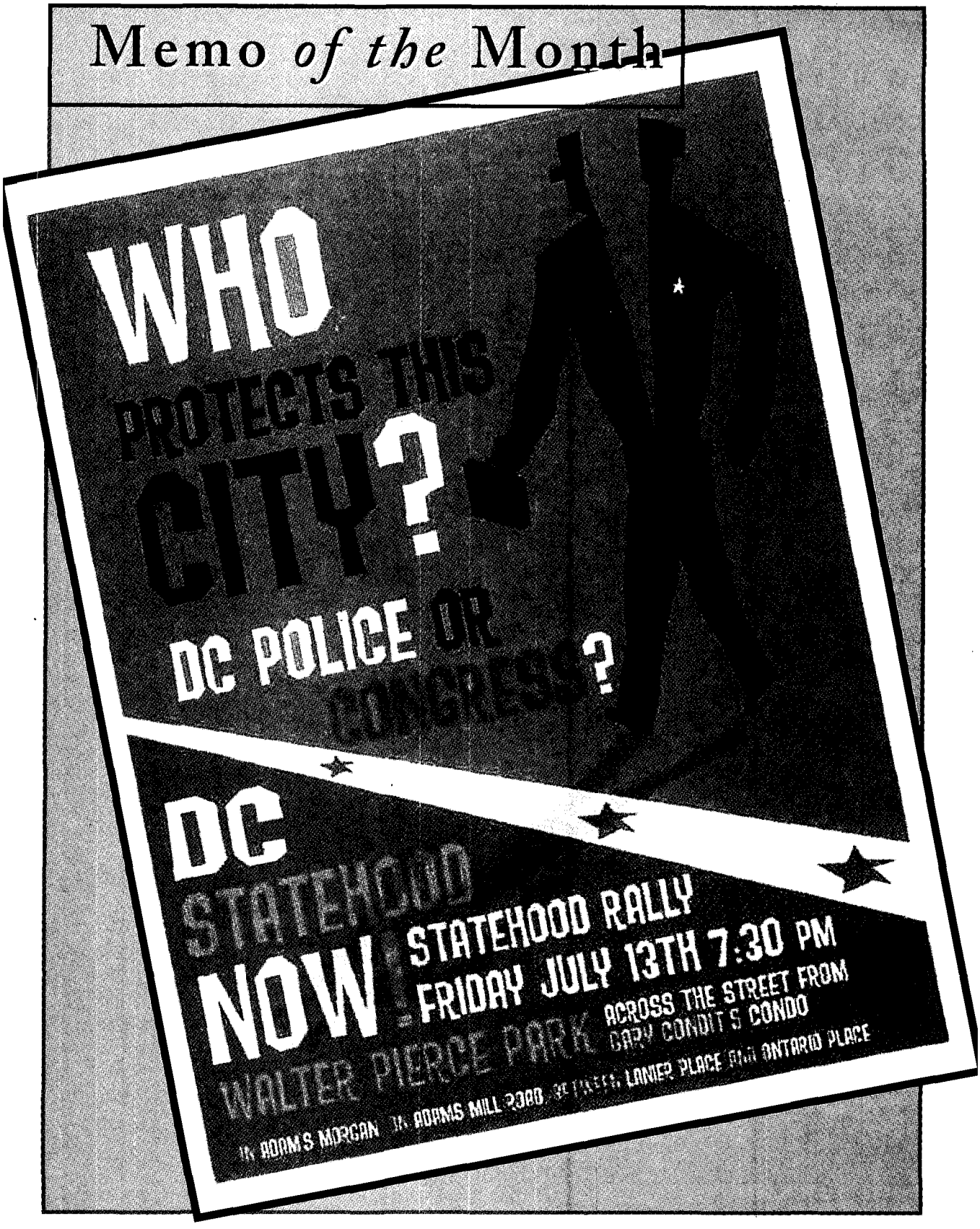
Memo *of the* Month



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Violent Femmes

On the big screen today, action babes are on top. Here's why men love it.

By Stephanie Mencimer

THIS SPRING, WHILE *Lara Croft: Tomb Raider* was breaking box-office records and feminists were arguing over the merits of the female action hero, no one noticed the dogs playing in theaters elsewhere. *Exit Wounds*, the latest Steven Seagal flick, opened with a paltry $19 million—his best in years, but a poor showing for an action film. While he's mercifully cut off the ponytail, Seagal is showing all of his 50 years, wearing a pastiche of orange pancake makeup and sporting heft not attributable to muscle mass.

In *Exit Wounds*, the martial-arts afficionado and star of macho classics *Hard to Kill* and *Out for Justice* employed Hong Kong kung-fu-movie wire tricks made famous in *The Matrix* and now standard fare in action-chick flicks. But where the wires only added to the grace and agility of lithesome Zhang Zi Yi in *Crouching Tiger, Hidden Dragon*, they seemed to strain just to get Seagal off the ground.

Meanwhile, *Driven*, the latest by Sylvester Stallone, the quintessential beefcake action hero, was dying from neglect. The car-racing movie went almost straight to video, and so far has grossed only $32 million, a far cry from the $47 million *Tomb Raider* made in its very first weekend. *Driven*'s returns were actually an improvement over Stallone's last disaster, *Get Carter*, which in 2000 earned all of $15 million, barely what his 1981 classic, *Nighthawks*, grossed back when ticket-prices were a lot cheaper.

And then there's poor Arnold Schwarzenegger. Last fall, his cloning film, *The Sixth Day*, disappeared with similar returns—this from a guy behind one of the all-time box-office blowouts, *Terminator 2: Judgment Day*. Schwarzenegger had better luck last year playing the voice of a bug in the animated film, *Antz*, which pulled in $90 million.

This year, the muscle-bound stars of action-film blockbusters of the '80s and '90s have found themselves ungraciously drop-kicked out of the genre by, of all things, a bunch of girls. Girl-power flicks like *Charlie's Angels*, *Crouching Tiger*, and *Tomb Raider* are topping the $100 million mark once dominated by men like Schwarzenegger. *Charlie's Angels* has brought in $125 million; *Crouching Tiger* is up to $179 million; and *Tomb Raider*, only open since mid-June, stands at $126 million. Even last year's cheerleading movie, *Bring It On*, trumped the traditional male stars, grossing $68 million.

Action chicks are taking over prime time television as well. *Buffy the Vampire Slayer*, *Xena: Warrior Princess* and *La Femme Nikita*—all WB or UPN fodder—are about to be joined on a major network by *Alias*, a show about Sydney Bristow, a kung-fu-chopping female agent for a top-secret division of the CIA.

The enormous popularity of women as film enforcers has stirred much debate over what these films say about women, feminism, Hollywood, and violence, and whether it's progress or exploitation. But no one has answered a more interesting question: What does this say about men? After all, none of the big female hits could have achieved its staggering popularity without nabbing a significant male audience, those same guys who were once the primary consumers of *Die Hard*, *First Blood*, and *Commando*. If men once lived vicariously through the escapades

Stephanie Mencimer *is an editor of* The Washington Monthly.

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of John Rambo and Col. Matrix—in movies where women were mainly crime victims or in need of rescue—what does it mean when they love watching Lara Croft kick some bad-boy ass? It's a pretty sharp turn from misogyny to masochism.

The cynics say men will watch hot babes do just about anything, whether it's Jell-O wrestling or kick-boxing men, and that the dominatrix has always been part of the male fantasy. Certainly, that must be part of it. But while simple sex appeal might explain why men like Lara Croft, it doesn't explain why they no longer love Schwarzenegger, to whom they'd been so loyal, suffering through everything from *Predator* to *Junior*. Nor does the hot-babe theory explain why no obvious successors have stepped in to replace Jean Claude Van Damme and the other aging beef boys.

If men once lived vicariously through the escapades of John Rambo in movies where women were mainly victims, what does it mean now when they love watching Lara Croft kick some bad-boy ass?

More to the point, though, the pat male-fantasy explanation doesn't answer the question: Why now? Women have been playing action heroes for more than a decade, but they have never achieved *Tomb Raiders* level of success until just last year. In fact, earlier films where women played the lead roles as strong (and sexy) action heroines dropped like bombs.

Neither Demi Moore's 1997 *G.I. Jane* nor *The Long Kiss Goodnight* in 1996, starring Geena Davis as a highly trained government assassin, spawned any TV spin-offs or plans for sequels. And neither came anywhere near the $100 million box- office benchmark of *Charlie's Angels* or *Crouching Tiger*. *The Long Kiss* grossed only $33 million; *G.I. Jane*, despite Moore's star- power and new breasts, garnered only $48 million.

Part of the appeal of the new action genre, of course, is that the old beefcake films were getting tired and repetitive, and their stars Reagan-era relics. It's not just that their stars are getting old—most are in their 50s now—but for men on the silver screen these days, being buff just isn't what it used to be.

If you don't believe that studs on steroids have lost their Hollywood appeal, all you have to do is watch *Copland*, the 1997 indie film in which Stallone tried to revive his flagging career by going against character and starring as a fat guy. He wasn't bad either, playing Freddy Hefflin, the sensitive, half-deaf New Jersey sheriff who adores Sibelius violin concertos. Still, there was only so much the Italian Stallion could do; Schwarzenegger had already exhausted the cutesy roles for inarticulate lugs (remember *Kindergarten Cop?*).

The meathead movie really flourished at a time when men were desperately clinging to their traditional male roles in the world even as those roles were quickly disappearing. The action heroes like John Rambo or *Commando's* Col. Matrix represented an ideal, and also nostalgia for a time when men built bridges, defended helpless broads, and were worshiped for their physical conquests—sexual and otherwise. They thrived during the '80s, when military might made a comeback and Bruce Springsteen dedicated albums to steelworkers.

Technology and the sexual revolution, though, have combined to make the muscleman—and his movie—obsolete. Wires have allowed Lucy Liu and Cameron Diaz to high- kick, jump, and fly better than Seagal ever could, and the girls didn't have to become body-builders in the process. The lithe titanium bodies of Angelina Jolie and *Crouching Tiger*'s Zhang Zi Yi make men like Schwarzenegger look like lumps of heavy, slow-moving steel. Their kind of over-tanned, sweat-sheened, macho muscularity has all but disappeared from the screen. Who sweats in action films these days?

Even the backdrop for the action film has changed dramatically over the past decade. While today's drama is more likely to unfold in a parking garage or at the beach, the final scenes of the classic '80s and early '90s formula action film invariably ended up in some sort of industrial-age setting where various forms of menacing, manly machinery lurked behind the fistfights.

Terminator 2 ended with Arnold lowering himself down into a vat of molten steel to terminate himself. Little did Arnold know then that *T2* really was the new prototype for the modern action movie.

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In that 1991 film, the new terminator, the T2, was played by Robert Patrick, better known today as Agent Dogget on *The X-Files*. Compared to the T1 (Schwarzenegger), Patrick was smaller, faster, and smarter—everything you want in your new laptop, and all the things that women so naturally bring to the screen.

Barbarella Bites Back

T2 also foreshadowed the emergence of the action babe, with tank-top-clad Linda Hamilton opening the film doing very manly chin-ups. It took a while before Hollywood got the formula right—*G.I. Jane* and *The Long Kiss Goodnight* were fledgling efforts to bring a woman to the center of the action, but those films were fatally flawed in terms of the mass-marketing success formula for an action film.

The key to any good action film is an inverse relationship between the amount of special effects and the amount of dialogue. Talk too much and the heroine loses her mystique and starts to remind men of their ex-wives. *Tomb Raider* certainly scores on that front. Angelina Jolie couldn't have more than five lines—all snappy ones, of course, which is also a prerequisite for a good action flick.

The other critical requirement for a successful action movie is for the audience to be able to suspend disbelief enough to enjoy the fantasy. Even with a minimum of dialogue, it's unlikely that male movie audiences 20 years ago would have been willing to accept the preposterous idea of Angelina Jolie engaged in hand-to-hand combat with a man—and winning. With the women's movement beginning to make men uncomfortable men probably weren't eager to see women back up their political threat (or even divorce threats) with good roundhouse kicks to the head.

Today, women everywhere seem to be kicking ass, and men don't seem to mind, within reason. You only have to look to the tennis court to see the change. Women's tennis has never been more powerful—or popular. Venus and Serena Williams are smashing 100-mile-an-hour serves that John McEnroe would have had a hard time returning in his heyday. Lindsey Davenport could eat Lara Croft for lunch.

Oddly enough, while women's sports have paved the way for Lara Croft to gross $100 million at the box office, they have also made Rambo and his expression of male physical power the more laughable movie scenario. Rambo's reliance on brute force, jungle warfare, and big pipes seems so passé, especially when dorks like Bill Gates run the world. Muscles on men have become somewhat irrelevant unless the men happen to be mopping the floors at Microsoft. (Perhaps one of the slyest commentaries on the state of the modern American male came a few years back in the film *American Beauty*, when Kevin Spacey decides to try getting in shape and has to ask the neighborhood gay guys for workout advice.)

The average straight American male today is the doughy white guy who sits in a suburban office park most of the day before driving his SUV home to the wife and kids and online stock reports. Shooting hoop and bench-pressing in the garage just don't figure into the equation. And why should they, when women are more interested in the size of men's portfolios than the size of their pecs anyway?

Conan the Librarian

It's easy to see how Stallone and company have lost their male audience. What's harder to understand is why men aren't more threatened by the arrival of powerful heroines. Of course, a closer viewing of these films suggests that, for all their killer

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moves and rippling muscles, the action babes still aren't really creating a new world order. If they were, moviemakers wouldn't have needed to create a curious new role for men: The Chad.

For those of you who haven't seen *Charlie's Angels*, The Chad is Drew Barrymore's erstwhile boyfriend, a scrawny boat owner who gets up early and cheerfully makes her pancakes for breakfast, only to have her dash away to meet up with the other angels for some daring mission. The Chad dotes on Barrymore, "my little starfish," only to watch helplessly as she plunges off the side of his boat in scuba gear to wage an amphibious assault on the bad guys.

The key to any good action film is an inverse relationship between the amount of special effects and the amount of dialogue. Talk too much and the heroine loses her mystique and starts to remind men of their ex-wives.

The Chad, a descendant of Nancy Drew's Ned, the faithful boyfriend who dutifully arrives with the car at just the right moment, appears in other films as well. Usually, though, The Chad comes in the role of technogeek who worships the heroine (who will never in a million years have sex with him) and often needs to be rescued—or is, at least, of little help when the action heats up.

In *Tomb Raider*, The Chad is a fellow named Bryce who lives on Croft's estate and builds robots and other gadgets for her. When the evil warriors launch their attack on the Croft mansion, Bryce somehow gets locked in his RV and can only watch helplessly on the TV monitors as Croft vanquishes the black-hooded intruders.

Chad-like characters and their goddess-worship also regularly populate television, particularly episodes of *The X-Files*, where computer geeks frequently encounter Lara- Croft-type characters and are abused by them. Emasculated, these quivering high-tech weenies heighten the physical prowess and fearlessness of the heroines. Surrounded by submissive men, the women become powerful—but only in the geeks' realm. The weak men are necessary props for the audience to buy into the heroine's triumphs. But The Chad also reassures the regular guy that Drew Barrymore couldn't kick *his* ass.

And when the action babe does meet her male match, the fighting becomes more like foreplay than a duel to the death, as with Zhang Zi Yi and Chang Chen, wrestling across the sand dunes over a stolen comb in *Crouching Tiger*. More than just a good martial-arts scene, the fight is fraught with the excitement of sexual conquest that has all but disappeared with the sexual revolution.

No doubt our action heroines have come a long way since Wonder Woman, but the feminist critics are right: Women are still only allowed to be violent within certain parameters largely proscribed by what men are willing to tolerate. To be sure, what men will tolerate has certainly changed a good deal. But in the old action films, at the end, the male hero always walks away from a burning building looking dirty, bleeding sweaty yet vindicated (Remember Bruce Willis' bloody feet after walking through broken glass barefoot in *Die Hard*?).

None of today's action chicks come near that level of messiness. The violence is sterilized—it is, after all, PG-13, aimed mostly at 12-year-olds. They rarely mess up their hair, nor do they really fight—or perhaps gun down—significant bad guys like, say, Rutger Hauer or Wesley Snipes, which would seriously upset the balance of power. Often they end up sparring with other women. Their motives are always pure and they never use unnecessary violence the way Arnold and the boys get to. The body count in *Commando* topped 100; *Charlie's Angels* couldn't have had a single real corpse.

Women playing real action figures who menace *real* men still don't sell, as Geena Davis discovered in *Long Kiss Goodnight*. In the opening scene, Davis does something unbelievably unladylike: She kills Bambi, snapping a deer's neck with her bare hands. That scene alone probably sank her movie. Men may have accepted women as action figures, but only when those action figures are a cross between Gidget and Bruce Lee. To achieve box-office success, the new action babes have to celebrate women's power without being so threatening that men would be afraid to sleep with the leading lady. ●

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Withering Rights

How mandatory arbitration clauses erode civil protections and will make the Patients' Bill of Rights meaningless.

By Julie Wakefield

When Maureen Alexander's male HMO doctor removed her gown and stuck her breasts and pelvic area with a safety pin for no apparent medical reason, she was understandably outraged. Worse, her HMO, Blue Cross of California, refused to discipline the doctor. So Alexander decided to take her insurer to court. After all, she had visited the neurologist complaining not of breast and pelvic problems, but of neck pain and a tingling sensation in her arm that started after a car accident. But Alexander soon learned she had unwittingly waived her right to a jury trial when she enrolled in the health plan. The fine print of her contract mandated that potential disputes be resolved through arbitration.

The arbitrator, supposedly a neutral third party, found in favor of the HMO last year. Alexander complained to the California court of appeals that the arbitrator showed bias against her and wrongfully limited the discovery process. But the court ruled that it didn't matter whether or not the arbitrator made "an erroneous decision." The mandatory arbitration clause in her health plan made the arbitrator's ruling final.

The issue of whether patients like Alexander ought to be able to sue their managed health care plans or be forced to settle disputes in arbitration is at the center of the battle over the so-called "patients' bill of rights." This month, a House-Senate conference will try to reconcile competing versions of the bill. Partisanship may get in the way of a deal. But because Republicans and Democrats at least now agree that patients ought to be able to sue their health plans, everyone now assumes any compromise reached will surely give patients that right.

But everyone is wrong. Arbitration clauses, like the one that Alexander unknowingly signed, are already embedded in scores of health plans. If the conference bill doesn't make them illegal—and the betting is it won't—then such clauses will spread like computer viruses to thousands of other health plans, denying members the right to sue as a condition of receiving coverage, and undermining the protections Congress intends to enshrine.

That's just the tip of the iceberg. Mandatory arbitration clauses now show up in just about any contract the average person is likely to sign. Have you bought a new TV recently, purchased a home, or taken a new job? Better check the fine print of your service contract, closing papers, or employee manual. You may already have given up your right to sue for damages if your TV set blows up, your roof collapses, or your boss sexually harasses you.

Of course, there is plenty wrong with the litigation system and the sometimes hair-trigger willingness of Americans to sue. There's also much to be said for arbitration. Done right, it can provide speedy relief to the aggrieved, without lawyers raking off half the proceeds. And arbitration clears up our overburdened court system. But arbitration tends to work only when both parties enter into it voluntarily, or when a judge, having reviewed the case, mandates it. Either way, parties have access to the judicial system if arbitration breaks down.

What's new and insidious about mandatory arbitration clauses is that they block off all access to the courts, even before disputes arise. In doing so, they create all kinds of perverse protections for corporations bent on

Julie Wakefield *is a Washington writer.*

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screwing the average person.

Binding arbitration is nothing new. The practice dates to the 15th century and, at this nation's founding, mandatory arbitration clauses were already common to business transactions despite Thomas Jefferson's and other founding fathers' disdain for them. The 1925 Federal Arbitration Act limited the legal use of mandatory arbitration clauses to maritime and commercial trade employment contracts. But in 1985, the U.S. Supreme Court ruled that such clauses were enforceable in other kinds of employment contracts. That broke the dam, and soon courts were allowing other industries to take advantage of mandatory arbitration clauses.

But the practice didn't spread like wildfire until 1994 when the American Arbitration Association (AAA), the nation's largest group of experts who hear and resolve disputes for a fee, came up with a seemingly small but crucial marketing change: It dropped its longstanding policy of providing the first day of arbitration free of charge. Almost overnight, arbitration became relatively more attractive to corporations, who could readily absorb the costs, than to individuals. Corporations began to understand that the number of claims against them would drop if they moved disputes away from the courts, where lawyers often represent clients on a contingency-fee basis, to arbitration.

The boom was on. Corporations began including mandatory arbitration clauses in their contracts. For example, most major credit-card companies routinely insert them in their contracts, which you'll probably learn if you ever try to take your credit-card company to court. Unions, which represent about one in 10 private-sector employees, have mostly kept mandatory arbitration clauses out of their employment contracts. But for most consumers and working stiffs, mandatory arbitration clauses are fast becoming a fact of life.

In practice, these clauses mean that if you're sold a lemon, sexually harassed, or denied coverage for life-saving surgery, you may have to cough up $500 to $5,000 just to see an arbitrator, who typically charges $250-an-hour and up after that. And sometimes, three-member panels are mandated. By the time you throw in the cost of depositions, expert witnesses, and attorneys, the cost can rival that of litigation.

The high cost of arbitration played its part in the case of Eric Baker, a one-time Waffle House cook at a South Carolina franchise. The $5.50-an-hour grill operator was fired after he had a seizure. Baker didn't pursue arbitration in part because the anticipated cost (several thousand dollars) amounted to more than he could save from his salary in two years. Like some 80,000 other disgruntled Americans workers that year, he filed a complaint with the Equal Employment Opportunity Commission (EEOC), the federal agency charged with enforcing discrimination law. His proved one of the lucky 400 cases EEOC picked to pursue in court. But the conservative Fourth Circuit Court of Appeals ruled the EEOC couldn't recover damages for Baker because he had agreed before his hiring to settle any arising conflicts by arbitration. This fall, the Supreme Court will hear the case to decide whether mandatory arbitration clauses indeed override the powers of EEOC.

Obstacle Course

One of the benefits of arbitration is swiftness. Disputes can often be resolved in months or weeks—even days—instead of taking years in the courtroom. But the swiftness of the process can also make it easier for corporations to game the system, by dragging their heels on discovery until the clock runs out on plaintiffs. Hiram Ash, a California paralegal who had a mandatory arbitration clause in his health plan, says his HMO improperly denied him emergency pain treatment for severe kidney stones. After five months of prodding Kaiser Permanente, he received only a single document from the HMO. And Ash contends the arbitrator closed the discovery period before completion to go on vacation. In late July, the arbitrator awarded Ash damages of $2,700—not enough to cover one expert witness, much less compensation for his suffering—and it was tens of thousands less than a jury might have. Ash, who alleges the arbitrator communicated inappropriately with Kaiser in his absence, is petitioning the court to have his case rearbitrated. A Kaiser spokesman says that the arbitration process was "fair to both sides."

Arbitration clauses often compound the unfairness of high up-front costs by severely limiting damage awards. Besides the slim shot at finishing ahead financially—you're seldom allowed to recoup attorneys' fees or the cost of arbitration—such limits make finding a savvy lawyer next to impossible. Consider that Ash, who worked in the legal profession, approached more than 20 attorneys for representation, each of whom declined. A lawyer friend only agreed to help him after he took Ash's deposition as a courtesy and learned what Ash had suffered at the hands of his HMO.

Once you get to the arbitrating table, the promise of neutrality can prove pure chicanery. Many companies restrict the list from which an arbitrator may be chosen. Naturally, an arbitrator repeatedly chosen by a company for highly paid procedures might develop a soft spot for the institution and an indifference toward an individual he might see only once. Independent arbitrators are unlikely to get repeat business if they regularly rule

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against a company. In many smaller cities and rural areas, the only arbitrators are lawyers who have spent their careers defending the very corporations over which they're now expected to pass judgment. Moreover, arbitration panels—let alone single arbitrators—typically lack the diversity of a jury, often skewing outcomes if favor of the HMO. Data recently made public by an Alabama court revealed that the Delaware-based credit-card company First USA, which is owned by Bank One, won 99.6 percent of its consumer arbitrations.

Appeals are tough to come by. Under federal law, arbitrators are not regulated. Though many are retired judges or lawyers, they usually don't need to be credentialed or trained. (Michigan is an exception; Minnesota and Texas are looking into establishing standards.)

In the wake of criticism, groups like AAA have introduced and refined minimum standards of fairness for claims in recent years. Arbitrators who belong to these groups are now free to decline a case in which the arbitration terms are skewed too heavily in favor of a large corporation. But none of the organizations has a surefire way to enforce such codes. And perhaps most telling: Neither AAA nor its major competitor, Judicial Arbitration and Mediation Services, would provide hard statistics on the totality of outcomes.

Corporations like to claim that arbitrators' offices are better places to settle disputes than courtrooms. In many cases, that's true. It's funny, though, how often CEOs exempt themselves from the same mandatory arbitration clauses they impose on their employees and customers. For example, while most Household International consumer-loan customers are bound by such clauses, the Household's CEO, William Aldinger had his lawyer exempt him from such clauses in his employment contract, according to the Securities and Exchanges Commission data. (Aldinger didn't return calls to explain.)

Advocates of arbitration often note that arbitration preserves citizens' privacy by keeping the proceedings confidential. That's true too. But closing the process also helps shield corporations from additional liability and accountability. Arbitrators issue decisions on a case-by-case basis irrespective of legal precedents. The process is often kept sealed. Evidence disclosed during arbitration cannot then be used for a similar case or a class-action suit. Arbitration outcomes don't create a body of legal precedent or enable public scrutiny. Imagine if no one had publicly disclosed the data that revealed a link between car accidents and tread separations in certain Firestone-equipped Ford Explorers. Who knows what arbitration has helped companies conceal?

Moreover, arbitrators don't have enforcement powers to ensure corporations change their bad habits. Rather than alter their business practices, corporations censured by the courts can simply slip mandatory arbitration clauses into their contracts. WMC Mortgage, for one, added them to its boilerplate lending agreements after settling a suit alleging unfair practices in several contracts. Similarly, ConAgra, a large poultry processor, added arbitration clauses to its contracts after Maryland chicken farmers successfully sued the company in the late '90s.

Patients' Bill of Goods

Of course, the traditional litigation system has its own shortcomings, like the recent Blockbuster Video class-action settlement that won paltry $18 coupons for individual plaintiffs but millions for their attorneys. Still, punitive damages are often the only real deterrent against corporate transgressions. It is the worst kind of sophistry to pretend that, because the courts are sometimes abused, the average citizen ought to be denied access to them.

Indeed, for all the alarm raised during the patients' rights debate by President Bush and others about the threat of "frivolous lawsuits," there's scant evidence that giving patients the right to sue health plans leads to a glut of litigation. In Texas, despite opposition from then-governor Bush, patients garnered the right to sue in 1997. Less than 20 patients have done so. And so far no suits have been filed in California, where patients have been able to sue since January.

Yet what's most unfair about mandatory arbitration clauses is that they force employees, patients, and consumers to surrender their rights before a dispute arises. That's like inviting your boss to abuse you, your doctor to deny you care, and your car dealer to sell you a clunker. Shouldn't consumers be able to choose how they want their dispute settled *after* a problem arises? Even the loudest critics of mandatory clauses acknowledge that voluntary arbitration or mediation can offer better, faster, and cheaper solutions than litigation. But democracy is all about choice. And it's hard to argue that mandatory arbitration clauses are a form of choice, especially when health-care plans are typically chosen by employers. How many of us really have the ability to turn down a job simply because there's a mandatory arbitration clause in the company's health plan? For now, the best most consumers can do is to try to negotiate such clauses out of their contracts.

Mandatory arbitration clauses may indeed work in a parallel universe, but here in the United States there is already a system in place to handle such disputes: It's called the civil justice system. ●

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Student Movement

The fatal flaw in the Bush education plan

By Thad Hall

As a fifth-grader at Oak View Elementary School in Silver Spring, Maryland, 11-year-old Roberto knew how to get his teacher's attention. Sometimes he would sit in class and loudly click his tongue. Other times he'd drop things on the floor or pretend to fall asleep. Roberto talked in class, often using vulgar language, and interrupted other students. And he rarely came to school with his homework completed. His teacher's reprobations were always met with a sardonic roll of the eyes.

It wasn't long before Roberto landed in Peggy Salazar's office to discuss his disruptive behavior and poor academic performance. The acting principal of Oak View Elementary School coaxed some information out of her young student that helped to explain why he was struggling. Salazar learned that Roberto's parents were divorced. Sometimes he lived with his mother, sometimes his father—it depended upon whose financial situation was more stable at the moment. (Both parents work several low-paying jobs.) When Roberto switched parents, he also switched schools. As a result, he's attended four schools just in the last five years.

Peggy Salazar's school is filled with kids like Roberto. The majority are African American or Hispanic; 84 percent qualify for free or reduced-price lunches; and a quarter have limited proficiency in English. More important, they come and go as frequently as Roberto does. Of the roughly 300 students at Oak View Elementary, only one in four arrived from the local feeder school; the rest came from elsewhere. Which is to say, Roberto's situation is not the exception, but the rule.

This problem plagues principals like Salazar, whose schools are judged by how well students perform on standardized tests. Oak View's fate hinges on the Maryland School Performance Report, a test that includes the scores of transient students like Roberto, who may not have been in that school last year and may not be around next year. Salazar was never able to get Roberto to improve his classroom performance. "I am not going to be here long anyway, because I move a lot," he reasoned. "My report card doesn't even catch up with me." With standardized testing poised to play a more prominent role under President Bush's education plan, the problem of how to reach students like Roberto without punishing principals like Salazar is growing more acute.

On the Road Again

Bush modeled his education plan after the one he oversaw as governor of Texas. It's premised on the notion that annual testing is the best way to hold schools accountable for teaching kids. Schools that perform poorly will gradually lose federal funding. Those that don't improve will be shuttered. In order to "leave no child behind," as Bush likes to put it, every child is tested annually. But scores for certain groups of kids—minorities, poor, migrant farm workers, and the disabled—are measured independently. That way, educators get a clear picture of who's learning and who isn't. Schools can't mask an underperforming subgroup simply by factoring its scores into the broader student body's, and they can be held accountable for making sure that all groups improve.

The Texas system is a good foundation, but it has one overwhelming flaw: As Roberto's case demonstrates, annual tests can't distinguish who is learning and who isn't

Thad Hall *is a program officer at* The Century Foundation.

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learning if they don't take account of the fact that the students being tested in any given school differ from year to year.

The bad news about the education plan Bush brought to Washington—as well as those passed by the House and Senate—is that the tests and the reporting requirements they mandate don't make this crucial distinction. Many schools, particularly the low-income schools Bush promised to target for reform, don't teach the same students from month to month, much less from year to year. Without measuring a school's mobility rate, standardized tests can't possibly offer an accurate snapshot of students' learning progress. So principals like Salazar—who may be doing an excellent job teaching those children under their purview all year—are unfairly blamed, while parents whose kids attend the same school get a distorted view of the school's performance. Worse, if the poor performance of transient kids drags down such schools, an otherwise competent school could be shut down, forcing students like Roberto to move on once again.

When classrooms resemble bus terminals, it's easy to see how most standardized tests fail to measure school performance. In the real world, many kids are just passing through.

Moving + Reading + Math = Failure

Transient students are a widespread problem. A General Accounting Office study found that one out of every six third-graders has attended three or more schools since entering the first grade. The problem is more acute in the inner city. A study of Chicago students revealed that fewer than half who entered school in first grade attended the same school in fourth grade. Some schools retained fewer than 30 percent of their first-graders. A *New York Times* investigation found that 40 percent of the students in a typical New York City classroom changed schools over the course of the year. When classrooms resemble bus terminals, it's easy to see how most standardized tests fail to accurately measure school performance. In the real world, many kids are just passing through.

Not surprisingly, transience takes a toll on students, whose poor performance on tests can have little to do with their teachers' effectiveness. Students who change schools frequently usually aren't high academic achievers. Highly mobile students at all income levels generally test below their grade level in reading and math.

Kristine Emig's fourth-grade class at Oak View Elementary School has plenty of experts on student mobility. In fact, Emig's students could give the White House a quick synopsis of the shortcomings of its education plan. Some students' parents had been relocated for a job. Others had been forced out of an apartment or had sought more child-friendly housing. Even success can result in displacement. Two parents who'd finally saved enough money to put a down payment on a new home had to move their kids to a new school district as a result.

All this moving around is disruptive for students. Carlos had already changed schools three times, explaining that when he arrived at his last school, he was way behind because the school taught a different curriculum. "My new school was too hard," he said, "so we moved again." Steven, who'd also changed schools three times, had the opposite problem. "They were learning how to write letters and I had already done that," he said. One common trait among mobile students is that their grades declined when they changed schools. Often, they had a difficult time getting extra help. That's not unusual. The GAO found that mobile students are less likely to receive Title I federally funded special education services than their more stable classmates. They're also more than twice as likely to repeat a grade. The problem is closely tied to class. Children from the poorest households, who are forced to change schools frequently, are the most likely to drop out.

Transient students also take a toll on teachers, who find that bringing them up to speed can be difficult. "A lot of times, they have not had a lot of consistency in what they have been learning," Emig said. "It hasn't stuck with them, especially if they are worried about making new friends and adjusting. One of their first concerns is making new friends and fitting in. [Their classroom performance] gets put on the back burner." By the end of a school year, a teacher like Emig may only have been able to teach the full curriculum to three of every five students. The stress this causes helps to explain another problem with transience: Schools with high turnover rates for students also have high turnover

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rates for teachers. So not only do many annualized tests wind up measuring different students, they also measure different teachers.

Fixed Principals, Mobile Kids

Education reform can factor in student mobility and still hold schools to high standards. But to do so, standardized tests must acknowledge the problem. For states to help mobile students, the federal government must take the first step. The centerpiece of Bush's school accountability plan is the Adequate Yearly Progress test—a mechanism which, in theory, is ideally suited for this task. The education bills passed by the House and the Senate each maintain this structure. They "disaggregate" the scores of minorities, the poor, the disabled, migrant farm workers, and those with language barriers (the Senate bill adds gender), separating their scores and requiring progress in each category so that schools can't ignore them—but neither bill accounts for mobile students. This makes no sense. Tests show that, at all income levels, mobility is at least as great a predictor of subpar performance as race, poverty, or disability. (If you're wondering how the president and Congress could have made such an oversight, ask yourself when you last heard anything from the "Transient Student Lobby.")

Principals know that transient students bring down their school's test scores, and the savviest long ago figured out sub-rosa ways of masking the effect (such as shuttling transient students into special education classes). But such gaming of the numbers punishes schools that don't do it, which does little to aid transient students. The right kind of accountability system, says Andrew Rotherham, education policy director at the Progressive Policy Institute, will "measure the progress of all students and get them the help they need, without creating perverse incentives for schools by holding them accountable for factors they cannot control."

The principle of discounting mobile students isn't a new one. The federal government already allows the test scores of students who move from one state to another during the school year to be excluded from a school's accountability requirement—an accommodation demanded by the nation's governors and others. States such as Arkansas and South Carolina already allow schools to separately count the test scores of students who have moved in or out during the year. The benefits of making all schools disaggregate the the test scores of the transient from the non-transient are numerous. States will be able to identify better schools with high mobility rates and perhaps direct more resources to those schools. Parents will have a more accurate idea of which schools are doing a good job of teaching the children they actually have nine months to teach, and which aren't. And if Congress doesn't make the mistake of letting states and school districts totally off the hook for the performance of transient students, then policymakers will have more incentive to help these kids adjust better. In an age when credit-card information is instantly available online, there's no reason that Roberto's report card should arrive at his new school months after he does.

Policymakers should also experiment with programs that help parents avoid putting their children in different schools every few months. A study of Chicago schools showed that the average student moved just three miles. The Census Bureau's annual mobility report confirms that this pattern is the norm nationwide. With proper funding, districts could expand bus service so that students who make short moves could remain in the same school.

But none of this will happen unless the House-Senate conferees start taking as much interest in student mobility as they do in race, income, and gender. That way all students—even those who don't stick around for long—can get the education they deserve. ●

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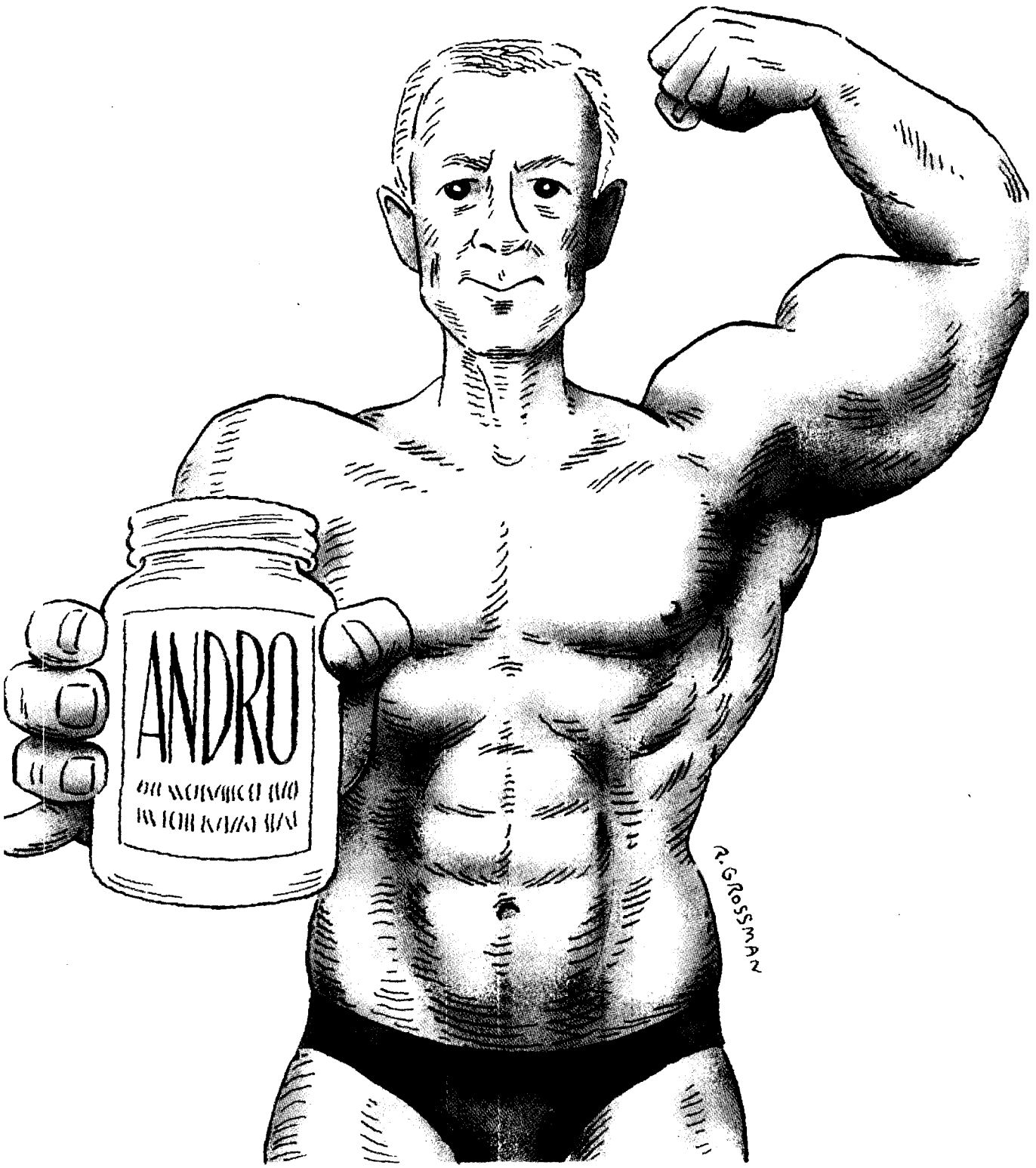

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Scorin' with Orrin

How the gentleman from Utah made it easier for kids to buy speed, steroids, and Spanish fly

By Stephanie Mencimer

At last summer's Olympic games in Sydney, Australia, Norwegian wrestler Fritz Aanes suffered two heartbreaks: He lost the bronze medal, and then he was banned from competing internationally for two years, after testing positive for the potent anabolic steroid nandrolone. Although he couldn't do much about losing his medal, Aanes protested vehemently about his drug test, arguing that he had not taken steroids. The problem, he claimed, stemmed from another source: mislabeled dietary supplements manufactured in Utah.

Aanes made a compelling case. Nandrolone had been banned since 1975, and because it was easily detected for up to a year after only one injection, it had largely disappeared from pro sports. Athletes really bent on cheating had much better (and harder to detect) drugs to choose from. Later, a lab in Cologne, Germany, confirmed that there were trace amounts of nandrolone in Aanes's Utah supplement that weren't listed on the label.

Aanes wasn't the first athlete to blame tainted American dietary supplements for a positive drug test. Three others headed for or competing in the 2000 Olympics also tested positive just for nandrolone. And the International Olympic Committee (IOC) had been getting reports about the possible supplement-steroid link since 1999, when more than 350 athletes competing around the world tested positive for the curiously pervasive compound.

Researchers suspected that not only were dietary supplements being mislabeled, but many of the U.S.-produced supplements called pro-hormones actually behaved like steroids, even though they were legally sold over the counter. The surge in positive tests for nandrolone also coincided with the spike in pro-hormone use after St. Louis Cardinals slugger Mark McGwire admitted to using androstenedione—or "andro"—while chasing the single-season home-run record in 1998. (Banned by the IOC, andro is a steroid that the body converts to both testosterone and estrogen.)

After the controversy in Sydney, the IOC warned athletes to avoid American supplements, particularly those manufactured in Utah, the "Cellulose Valley" of the U.S. supplement industry. The IOC also blasted the U.S. for poorly regulating supplement producers and asked then-White House drug czar Gen. Barry McCaffrey to review the Dietary Supplement and Health Education Act (DSHEA), which had deregulated the U.S. supplement industry in 1994.

Then Olympic officials, increasingly frustrated with the U.S. response to their concerns, went one step further and blamed the surge in nandrolone tests on a single U.S. senator: Orrin Hatch (R-Ut.). Hatch was the chief architect and sponsor of DSHEA, which among other things, prompted supplement makers to flood the market with vitamins, herbal remedies, amino acids, and other "natural products" like andro without any federal safety or purity guarantees. "[Hatch] is directly implicated in this affair," said Prince Alexandre de Merode, chairman of the IOC medical commission.

The IOC criticism was particularly biting given that Hatch's home state will be hosting the next winter games in 2002, and that one of the games' major sponsors is, in fact, a supplement company. Utah had already produced a major Olympics bribery scandal; all it needed was a reputation as the world's steroid capital just as the IOC was

Stephanie Mencimer *is an editor of* The Washington Monthly.

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arriving with its drug-test lab.

So Hatch fired back at the IOC, saying that athletes could not blame their bad drug tests on him, or on the supplement industry, which he claimed was properly regulated in the U.S. "I am tired of this childish finger-pointing," Hatch said. "The last time I checked, neither the prince nor the athletes were experts in food and drug law."

The pressure from the IOC didn't seem to faze Hatch, who reiterated his belief in personal responsibility and the right of consumers to care for themselves using supplements. Gen. McCaffrey, though, did get the Drug Enforcement Agency (DEA) to study the possibility of declaring andro a controlled substance much like narcotics and anabolic steroids. The move prompted a group of pro-hormone makers to pay a lobbying visit to Hatch's Washington office to express their concerns. The group represented a rather unusual constituency for the well-respected senior senator, a pious Mormon drug warrior who abstains from tobacco, coffee, and booze and makes Christian music CDs in his spare time.

Among the visitors were representatives from Weider Nutrition International, a leading pro-hormone producer in Utah which last year was fined $400,000 by the Federal Trade Commission (FTC) for making false claims about some of its weight-loss products. Another was body-building guru, chemist, and supplement maker Pat Arnold, the "father" of pro-hormones.

Hatch's office apparently reassured them that the senator would continue to defend their interests. Arnold later posted a report on Anabolicextreme.com about his visit, writing, "Hatch's assistants informed us of the pressure they were getting from the IOC representatives (a bunch of arrogant princes and ambassadors) to do something about the terrible andro and the unfair advantage it gives people and abuse by kids (and other silly crap). The IOC is very angry at Hatch because of his role in making supplements like andro and creatine (which they consider evil) freely available in this country. Hatch, of course, realizes how ridiculous they are."

Hatch was unavailable for comment, but he has been unapologetic in his support for the supplement industry, having battled the FDA and other federal agencies over the regulation of vitamins, herbals, and other natural medicines for more than a decade. He believes the government has no more right to restrict Americans' access to vitamin A or the herbal ma huang than to McDonald's french fries. Hatch considers his 1994 law, DSHEA, a triumph on behalf of consumer health freedom. But a close look suggests that if anything, DSHEA (or the Hatch Act, as body builders call it) has left Americans "free" to serve as guinea pigs for a multibillion-dollar industry, much of which is built on a foundation of fraudulent claims, pyramid schemes, and lousy manufacturing practices.

Since DSHEA became law, substances as varied as paint stripper, bat shit, toad venom, and lamb placenta have all been imported from overseas, bottled up—often by people with no scientific or health backgrounds—and marketed as dietary supplements to unsuspecting American consumers. Many supplements have been tainted with salmonella, arsenic, lead, pesticides, unapproved foreign prescription drugs, as well as garden-variety carcinogens. And despite their New-Age health aura, a significant portion of these "natural supplements" are stimulants, depressants, and other mood-enhancers that some medical experts believe would be classified as drugs if they were synthetic. A surprising number of these products are addictive.

Thanks to Hatch, the U.S. now has standards as low as those in many Third World countries for the sale of many products with serious, pharmacological effects. The results have been deadly. Between 1993 and 1998, the FDA linked at least 184 deaths to dietary supplements, which are now also suspected of contributing to the sudden deaths of three football players in August.

Yet Hatch—one of the Senate's most powerful Republicans who is often touted as a possible Supreme Court Justice—has resisted attempts to clean up the supplement market. There's big money in dietary supplements, and Hatch has taken his fair share in campaign contributions. But his support for the industry goes well beyond simple campaign-finance issues. Hatch is part of a deeply committed segment of the American public that believes in the right to use alternative medicine and nutritional supplements with a religious fervor.

"He is by far our greatest advocate. No one rises to the issue the way Sen. Hatch does," says Loren Israelson, executive director of the Utah Natural Products Alliance, which represents the Utah supplement industry. "He's a true believer in natural health."

Opiate of the Masses

Back in 1905, reporter Samuel Hopkins Adams wrote a famous series of stories in *Colliers'* magazine called "The Great American Fraud," which documented the deaths of hundreds of people from over-the-counter medicines that were peddled with promises to address "weak manhood," "lost vitality," or to give consumers "better blood." Patent medicines were widely available and promoted in the press with testimonials from people claiming to have achieved great results from these magic offerings.

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Many of the products were little more than alcohol, addictive opiates, and stimulants, which made for reliable return customers. And their labels rarely revealed the products' real ingredients. Adams exposed how some headache powders, for instance, often sold by door-to-door salesmen, actually contained high levels of acetanilide, a toxic and addictive painkiller that caused heart attacks and kidney disease.

Adams' stories prompted Congress to buck well-funded lobbyists and pass the first Pure Food and Drugs Act in 1906, which prohibits interstate commerce in mislabeled or adulterated foods or drugs, and laid the groundwork for the current Food and Drug Administration (FDA).

That law, along with several others a few years later, helped curb the sale of worthless and dangerous health products. But in the late 1980s, a new wave of dubious products marketed with specious health claims began flooding the market as aging baby-boomers revived interest in alternative medicine. In 1989, a batch of the amino acid L-tryptophan, touted as a remedy for sleeping problems, anxiety, and PMS, caused 1,500 cases of a connective-tissue disorder. Thirty-eight people died.

Substances as varied as paint stripper, toad secretions, lamb placenta, and bat shit have been imported, bottled up, and marketed as dietary supplements to American consumers.

The incident prompted the FDA to scrutinize the industry, and two years later, an FDA task force recommended halting over-the-counter sales of such amino acids as L-tryptophan and other supplements with therapeutic qualities. The task force also recommended limiting the dosages of vitamins and minerals, many of which are toxic in high doses. (Sixteen children died in 1991 from iron-supplement poisoning.) And the FDA asked Congress for the power to pre-approve any health claims made by manufacturers before they could market a product, and to increase the fines and penalties for violating the laws.

Not surprisingly, the supplement industry went nuts and called upon its clean-living friend to help fight back. Hatch was happy to oblige. In 1992, he passed a one-year moratorium on new supplement regulations. Meanwhile, the industry enlisted Hollywood and Christian broadcasters in a successful campaign to convince consumers that the government wanted to take their vitamins away.

With enormous public support, in 1993, Hatch introduced DSHEA and pushed the act through the Labor and Human Resources Committee on a 12-5 vote, overruling objections from his friend from Massachusetts, Edward Kennedy. Railing against the FDA from the Senate floor, Hatch declared that the agency had "repeatedly attempted to impose unnecessarily stringent standards that would leave many if not most supplement companies with no practical choice but to close their doors."

In defending DSHEA, Hatch reasoned that foods such as raw beef, seafood, and even peanut butter can be potentially dangerous, but that their risks are presumed small enough, and the consumer smart enough, that the government allows their sale unfettered. Supplements, Hatch argued, are no different. In fact, supplements such as folic acid can prevent birth defects when taken by pregnant women. If the government regulated folic acid like drugs, think how many children could be needlessly disabled!

Yet supplements, unlike food, are marketed like medicine and used like medicine by consumers. When they work (which they often do not), supplements can have serious side effects. The FDA has warned, in fact, that many popular herbal remedies, such as comfrey and chaparral, are highly toxic.

Beef may be dangerous if contaminated with bacteria, but it's not legal to sell bacteria-laden beef. And if a meat company is caught doing so, the U.S. Department of Agriculture is empowered to shut down the plant in one day. The law Hatch was proposing would force the FDA to spend years in court before it could respond to a public health crisis and pull a dangerous supplement from the market.

Consequently, the FDA did not participate in the debates over DSHEA, believing that the law was so bad it would never pass. But according to Israelson, DSHEA generated more mail to Congress than the Vietnam War. With help from Sen. Tom Harkin (D-Iowa), an alternative-medicine proponent who believes bee pollen cured his allergies, Hatch sneaked the bill through Congress in a late-night session. "I do not understand how a single member of Congress voted for it," says Larry Sasich, a pharmacist and researcher at Public Citizen's Health

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Research Group.

Thanks to Hatch's law, the supplement industry has grown 80 percent since 1994—and so, it seems, have its health claims. Reminiscent of Samuel H. Adams' day, health-food stores and Web sites tout such things as "horny goat weed," promised to increase male potency; valerian root and melatonin to aid sleeping; aloe vera juice designed to "support colon health"; and endless tonics, pills, and powders touting enhanced energy and well being. But just as with the turn-of-the-century patent medicines, few of these products have much science behind their claims, according to consumer advocates.

And, like Adams' headache powders, the most popular supplements today are largely products that affect the central nervous system. More than 50 percent of the nation's best-selling dietary supplements are products such as valerian, an herbal sleep-aid and anti-anxiety remedy; kava, another sedative that can so impair people's judgment that Hatch's home state passed a law banning driving under its influence; St. John's Wort, touted as herbal Prozac; and ephedra, a weight-loss aid and "energy booster" that can be easily converted into methamphetamine, its close relative.

Like their synthetic counterparts, some of these so-called dietary supplements are addictive, including valerian, which can have significant withdrawal effects; guarana (which is mostly caffeine); and, especially, ephedra. And far from being harmless alternatives to pharmaceuticals, these compounds can have some serious side effects. Between 1994 and 2000, the FDA implicated ephedra in at least 80 deaths and 1,400 cases of serious illness, including arrhythmia, hypertension, heart attacks, seizures, and strokes.

The reason for the new plethora of supplements is that Hatch's "health-freedom" law turned regulation on its head. Despite their sometimes-potent pharmacological effects, dietary supplements are now classified as foods and are presumed to be safe unless the government can prove otherwise. Drugs, on the other hand, must be proven safe by the manufacturers before going on the market.

At the same time, DSHEA also broadened the ability of the supplement industry to make medical claims and expanded what could be marketed as supplements to include amino acids, metabolites, herbs, minerals, and botanicals. "The law is a terribly flawed law. If you grind up organs, they could be supplements. Anything can be a dietary supplement," says Dr. David Roll, a professor at the University of Utah College of Pharmacy.

DSHEA created a Monty Python-esque distinction between drugs and supplements by essentially defining both by what the manufacturer says about the product. Let's say, for instance, that Herbalife markets one of its ephedra products as a legal speed. In that case, the FDA can pull it off the market as an unapproved drug. But if Herbalife instead markets the very same product as a weight-loss aid, voila! It's a supplement, and there's virtually nothing the FDA can do to keep kids from buying it in buckets—to stay thin, of course.

Pyramids in the Desert

To understand how a teetotalling drug-warrior like Hatch became the biggest defender of the supplement industry's right to freely sell natural speed and other dubious products, it's useful to go back to his home state of Utah, whose $2.1-billion share nationwide accounts for about a fifth of America's supplement business.

Loren Israelson of the Utah Natural Products Alliance says there is a cultural affirmation of using herbs for medicine in Utah that helped give rise to the industry. Hatch, like 70 percent of his state's citizens, is a member of the Church of Jesus Christ of Latter-day Saints, and Israelson says that some believe Mormon scriptures encourage, and perhaps even mandate, the use of herbs as "God's medicine."

The belief in alternative medicine also has long sectarian roots intertwined with a Western libertarian political bent widespread in Utah. Utah Mormons tend to be intensely self-reliant people who would prefer that the federal government simply leave them—and their supplements—alone.

Orrin Hatch hails from this tradition. It informs his politics, and also seems to drive his own belief in the power of alternative medicine. Hatch, 67, who first came to Congress in 1977, works out for an hour every morning and consumes daily vitamin packs, urging his staff to follow suit. Hatch's supplement consumption goes well back to his youth, when he peddled vitamins for pocket money.

Not surprisingly, he has very close ties to the industry. His former chief of staff, Thomas Parry, is now a lobbyist for Utah's supplement industry, and even hired one of Hatch's sons in 1992 as a research assistant. Hatch's 2000 reelection campaign was managed by another former chief of staff, Kevin McGuiness, now a dietary-supplements lobbyist. Hatch also owns a small amount of stock in a small Utah vitamin company.

Close ties between members of Congress and the industries they oversee are pretty common. But the supplement industry's relationship with the squeaky-clean Hatch seems unlikely at first glance, given that a sizeable portion of the industry has a well-documented history of fraud that goes beyond the usual corporate shenanigans.

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Fraud is something of a cottage industry in Utah, a state the FBI once dubbed the con-artist's paradise. A combination of trusting Mormon residents and a religious susceptibility to get-rich-quick schemes has made Utah a playground for Ponzi schemers and penny-stock swindlers (a few of whom Hatch represented as a young lawyer). Utah's most famous con-artist is the Mormon murderer, Mark Hoffman, who in 1985 killed two people in attempts to cover up his sales of forged historic documents to the highest officials of the LDS church.

Utah's hospitality to scammers has made it welcome territory for the supplement industry, particularly companies that sell their products through multilevel marketing, a technique resembling an old-fashioned pyramid scheme. Almost half (roughly 40) of Utah's supplement companies market their products not in stores, but through independent distributors who purchase expensive "kits" to set up their own door-to-door-style sales campaigns. These companies are responsible for many of those "Work at home" signs on telephone poles promising callers that they can make thousands of dollars, or the station wagons with bumper stickers that say "Lose weight now. Ask me how."

Consumer advocates consider multilevel-marketing companies something of a nuisance because many of them have been known to lie about the benefits of their products, and because they often prey on the working class with promises of quick fortunes. (A Connecticut lawsuit against the Utah firm Nu Skin found that rather than getting $5,000 to $10,000 a month as promised, 98 percent of all Nu Skin distributors earned an average of $38 a month.)

Some of Utah's biggest companies are repeat offenders. Take Nu Skin, which claims $1 billion in annual sales, and which has been one of Hatch's biggest campaign donors. In 1997, Nu Skin agreed to pay a $1.5 million fine to settle charges with the FTC for violating a 1994 consent order that required Nu Skin to back up product claims with reliable scientific evidence. In California, distributors brought a class action against Nu Skin alleging that it was operating a pyramid scheme and had bilked some 100,000 distributors out of $75 million. Nu Skin settled for an undisclosed amount.

Nu Skin is hardly alone. The supplement industry is full of companies that have run afoul of federal and state regulators, including other big Hatch donors such as Herbalife, Rexall Sundown, and Sunrider.

Shrinking Testicles

Given the industry's track record, no one, especially Hatch, should have been surprised that supplement makers quickly went to work exploiting the regulatory weaknesses created by DSHEA.

In one case, a Utah company called Pharmanex (now a subsidiary of Nu Skin and a sponsor of the Utah Winter Olympics) began selling Cholestin, a supplement made with Chinese red yeast rice touted for its alleged benefits in lowering cholesterol. It didn't take long for Merck, the pharmaceutical giant, to figure out that Pharmanex was essentially selling a natural version of its prescription drug Mevacor.

"Ingest a supplement and urinate a controlled substance. The laws are inconsistent with physiology." —Dr. Gary Wadler, NYU Professor of Medicine

Merck, which had invested millions bringing its drug to market, pressured the FDA to act. Aside from its own financial self-interest, Merck could make a compelling case: Mevacor was a prescription drug because its dosage levels and benefits had to be weighed against its risks, which include liver damage and kidney failure—problems for which users need monitoring by a doctor. (A similar drug was just pulled off the market after being linked to 31 deaths.) If Cholestin had the same ingredient, it likely had the same potential for side effects.

So in 1998, the FDA banned Pharmanex from importing red yeast rice. But U.S. District Court Judge Dale Kimball (who was appointed under Hatch's advocacy a year earlier) blocked the import ban on the grounds that Cholestin was "intended to supplement the diet," and that "Congress enacted DSHEA in recognition of the valuable role played by dietary supplements in improving health, preventing disease, and reducing health-care costs." The decision was eventually overturned, but the case showed how long it could take for the FDA to get a supplement off the market.

The Pharmanex case also suggested the possibilities available to crafty supplement makers to legally market "natural" versions of all sorts of drugs, including illicit

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ones. Most troubling has been the explosion in pro-hormones, a trend started with a muscle-building supplement, DHEA, a steroid hormone and chemical cousin of testosterone and estrogen. The FDA had actually banned DHEA in the '80s, but it was reclassified as a dietary supplement in 1994 under Hatch's new law, and its sales took off.

Manufacturers claimed DHEA was a magic potion that would improve the sex drive, reduce heart disease, and help the immune system. Few of the claims had been proven with solid scientific research, but researchers had found some interesting side effects. Like a lot of hormones, DHEA mixes up the endocrine system and is suspected of causing, among other things, facial-hair growth in women and breast development in men, and accelerated prostate tumor growth. Other suspected side effects are heart-rhythm disturbances, acne, scalp hair loss, and menstrual irregularities.

Nonetheless, DHEA's commercial success prompted supplement makers to come up with other legal hormone supplements like andro that, once in the body, can easily convert to testosterone, the coveted elixir of performance athletes. The medical community has warned that andro, like illegal steroids, could have dangerous side effects ranging from liver cancer to heart disease to impaired testicular function.

Dr. Gary Wadler, a professor of medicine at New York University and a member of the World Anti-Doping Federation, says there's not much difference between the steroids and pro-hormones. "Ingest a supplement and urinate a controlled substance," says Wadler. "The laws are inconsistent with physiology."

Yet andro's success drove supplement makers to even more complex chemical experiments. Hot on its heels came norandrostenedione-19, which is actually marketed as a legal version of the injectable steroid nandrolone, the same drug that turned up in the athletes in Sydney. The latest development is Andro 9, a product that makes a real mockery of the term "dietary supplement."

Andro 9 is andro spiked with an herbal called *tribulus terrestris*, which essentially overrides the pituitary gland in regulating the body's production of testosterone. Bodybuilders love andro 9 because regular steroids prompt the testicles to stop producing testosterone, creating the dreaded "shrinking your grapes to raisins" effect. *Tribulus terrestris* instructs the testicles to keep pumping. When added to andro, the herbal wildly increases the body's supply of testosterone.

Yet in the '80s, *tribulus terrestris* was shown to cause a neurodegenerative condition in sheep called staggering disease, not to mention liver damage and much else. There are no data as yet on what it does to humans, but as Wadler observes, do you really need to know more, given what it does to sheep? "If *tribulus terrestris* was a cure for cancer, I could never get it through the FDA [because of the side effects]. Put it in a supplement and nobody looks at it," he says.

Hatch has expressed concerns that pro-hormones are being marketed to kids. But rather than authorize the FDA to take more action, his solution has been to let the DEA deal with it. Because there is very little clinical data on andro (supplement manufacturers aren't required to do any testing before they sell their stuff the way drug companies are), the DEA is now spending taxpayer money to conduct studies to prove whether or not andro causes muscle growth in lab animals. If it does, as most people suspect it will, the DEA will classify andro as a controlled substance along with other anabolic steroids.

That process has already taken months, and could drag on much longer. In the meantime, millions of Americans, including children, will be free to take the stuff, and the athletes who are in Salt Lake City next winter will likely find bottles of pro-hormones beckoning from store shelves.

A Lamb Placenta A Day

Not only have supplement companies unleashed potentially dangerous new products on the public, but like Sam Adams' patent medicines, today's supplements have become a grab bag of ingredients that may or may not work the way they are supposed to, and may or may not actually contain the ingredients listed on the bottles, leaving consumers to play Russian roulette with their health. "In terms of regulations and how we approach dietary supplements, we have a Third World approach," says Dr. Richard Ko, a supplement expert with the California Health Department.

In January, a diabetic San Francisco woman was hospitalized with life-threatening low blood sugar after taking an herbal supplement called Anso Comfort. Ads in local Asian newspapers had touted Anso Comfort as a remedy and even a substitute for prescription drugs for a wide variety of ailments, including high blood pressure and high cholesterol. Tests by the California Health Department found that the "herbal" actually contained the prescription drug Librium, an addictive tranquilizer long known to be contraindicated with the woman's diabetes medications.

It wasn't the first time a potent prescription drug has turned up in a dietary supplement in recent years. Since 1994, even prescription drugs that the FDA pulled off the market decades ago are popping up again in dietary supplements. For instance, one supplement marketed for treating attention-deficit disorder in children contains dimethylaminoethanol bitartrate, a drug developed

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in the 1950s and sold as a prescription until the FDA forced it off the market in 1983 because it didn't work.

Last year, the California Health Department (one of the few government agencies that regularly tests supplements) found supplements that contained the diabetes drugs glyburide and phenformin. The FDA pulled phenformin off the shelves in the 1970s because it had toxic side effects.

Part of the reason so many drugs end up in supplements is that herbals in other countries are regulated as pharmaceuticals. For instance, in China, it's legal to mix herbals with pharmaceuticals because they are identically regulated. But this same "natural Chinese medicine" is imported to the U.S. as a dietary supplement. Ko explains, "There are a lot of people who are bypassing the [FDA approval] process by declaring [foreign drugs] a dietary supplement."

To sell an over-the-counter or prescription drug, manufacturers must document their manufacturing process and are regularly inspected by state and federal regulators. Of course, their products must be approved first, passing rigorous safety and efficacy requirements that can take up to 10 years and half a billion dollars for a new drug. Before foreign drug manufacturers can sell their products in the United States, they also have to pay for FDA inspectors to check out their plants to make sure they meet the U.S.'s high standards. Even with all this, problems still happen.

The requirements for selling dietary supplements might be comic if the results weren't so potentially dangerous. While supplements sold here are technically manufactured in the United States, the raw ingredients come mostly from overseas. But there is absolutely no requirement that the manufacturer actually test those ingredients for safety and purity before selling them. Even more troubling, any yahoo can legally make a supplement. Many novices have been drawn into the supplement industry by the promise of high profit margins. The company that sold Anso Comfort was run by a guy fresh out of business school who ran a small Asian importing company and had no health or science background, according to Ko.

The FDA attempts to scrutinize supplement ingredients when they're imported, but it has few resources to do the job. According to the FDA, last year there were 65,602 line entries for dietary supplement imports. Of those, inspectors detained 1,239, and of those detained shipments, 413 were refused entry to the country—not even 1 percent of all imported products

But just looking at what inspectors do catch will

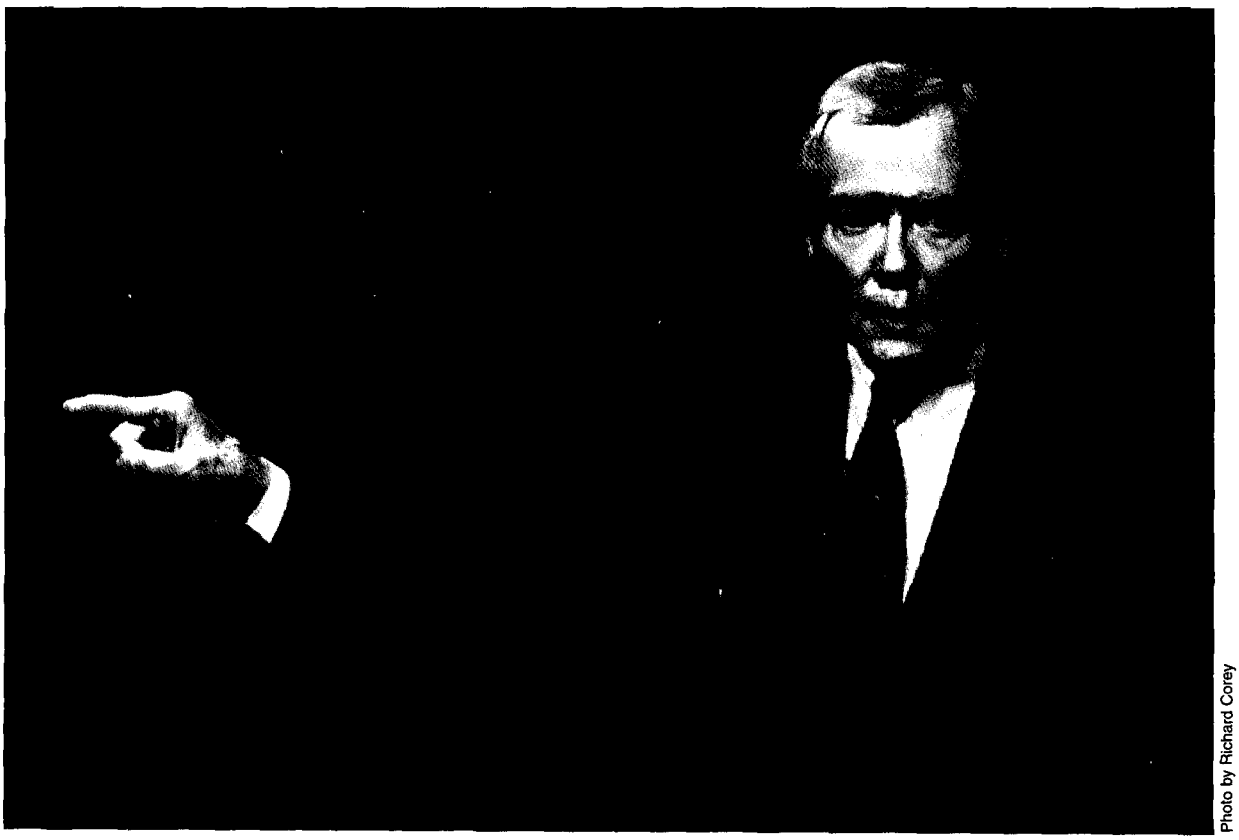

Photo by Richard Corey

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make you think twice about gulping the supplements in your medicine cabinet. FDA supplement detention reports have included rotting shark cartilage, filthy herbal extracts, plantain leaves containing the heart drug digitalis, lamb placenta, salmonella-contaminated mullen leaves, poisonous clematis erecta dry leaves and twigs, vitamins and supplements from unsanitary manufacturing plants, a host of unapproved prescription drugs, products with false claims on the labels, products with no English labels, no directions for their use, completely bogus labels, labels that didn't identify the manufacturer, and lots of labels that didn't match the product.

Not much stands between the rotting shark cartilage and the consumer's stomach. No one is required to make sure that your valerian isn't loaded with Valium from a fetid processing plant in Guangzhou. "People will say FDA has adequate controls [under DSHEA], but you can make a lot of money before anyone knows what you're selling," says the University of Utah's Roll.

Hatch has maintained that manufacturers are breaking the law if their product labels don't match the contents of the bottle, and that they can be prosecuted for selling dangerous products. A Hatch staffer says: "The FDA has full authority to take products off the market. They have never used that authority. The senator believes they should use it."

Indeed, few if any supplement makers have been prosecuted for mislabeling offenses under DSHEA. And for good reason. As NYU's Wadler explains, the way the law is written, "you would [practically] have to have the FDA go in bottle by bottle to see whether what's in the bottle matches what's in the label. And then they would have to go to court over [each one]."

Hatch's threats of FDA prosecutions sure aren't putting the fear of God into the supplement industry. When researchers have done random testing of supplements, they've found a disturbing number of label/content mismatches. Two years ago, the California Health Department tested more than 250 herbal products from retail stores in the state and found that 32 percent were adulterated with undeclared pharmaceuticals and/or heavy metals.

Last year, Consumerlab.com tested 25 echinacea products to see whether the ingredients matched the labels. Six of the 25 didn't have enough information on the label to even take the test. Of those remaining, only 56 percent passed muster, and one that didn't was contaminated with high levels of illness-inducing microbial bacteria, a sign that the product had been rotting before it was processed.

Other studies have found similar results, making the odds of getting a high-quality dietary supplement in a health-food store akin to getting high-quality coke from your local drug dealer.

The quality issue has even started to concern the supplement industry, and some of the better manufacturers are showing some willingness to bend on their opposition to regulation. After much bad press this past year about the potential dangers of supplements, their sales have stagnated, after experiencing 15-to-18 percent annual growth over the past five or six years. As a result, Hatch has been pushing FDA to issue a set of Good Manufacturing Practices regulations as mandated in the 1994 law. Once these rules are adopted, says one Hatch staffer, the quality of supplements should improve markedly: "Some of these products are fringe products and should be policed."

Meathead Panic

Yet in practice, since the advent of DSHEA, the FDA has had very little power to do what Hatch has suggested. As former FDA Director David Kessler wrote in *The New England Journal of Medicine* last year, "Congress has put the FDA in the position of being able to act only after the fact and after substantial harm has already occurred."

Even if the FDA had more power, it still has virtually no budget for monitoring the multibillion-dollar supplement industry, according to an agency official. When Hatch's law shifted the burden for safe products onto the government, it didn't provide the FDA with any additional funds. Last year, the FDA asked for $2.5 million to beef up its adverse reaction monitoring system. Congress turned it down. The FDA's annual budget for monitoring dietary supplements is only about $6 million, its smallest program.

That's not much considering that just finding the supplement manufacturers sometimes can be a huge job; the law doesn't require supplement manufacturers to register with FDA the way drug companies must. In one case, according to a GAO report, the FDA received two reports of comas associated with a supplement, but when field inspectors tried to track down the manufacturer, they found a shuttered post office box.

Nor are supplement companies required to tell anybody when they discover problems with their products. There's evidence that they're hiding quite a few. Depositions in a lawsuit in San Francisco against E'ola—a Utah multilevel-marketing firm—after the death of a woman linked to an ephedra product revealed that the company had received 3,500 customer complaints about one of its ephedra weight-loss products. None of the complaints was ever disclosed to the FDA, according to the *San Francisco Chronicle*.

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The FDA has estimated that it is notified of fewer than 1 percent of all the adverse events associated with supplements, and that fewer than 10 of those reports came from manufacturers.

Without better data, FDA is hard-pressed to prove that a given product is dangerous enough to justify a court order pulling it from the shelves—especially after DSHEA deprived it of the special deference government regulatory agencies usually get when they go to court, says Public Citizen's Larry Sasich. Now, in supplement enforcement cases, instead of treating the FDA as an expert, judges must consider it no different from any street chemist.

Even when the FDA simply attempted to limit the allowable dosages of ephedra, Hatch and the supplement industry argued successfully that the FDA's data on the adverse reactions was not sufficient to merit the regulation.

To his credit, Hatch is trying to get the FDA more resources, and has gotten $2 million in additional funds to beef up the adverse-event reporting system, according to his staff. But even if the FDA could prove something like ephedra is dangerous, it would have to go after every single manufacturer individually, because DSHEA does not allow the agency to target a specific ingredient, only a product.

The problem is apparent in the FDA's attempts to get a potent thyroid drug off the supplement market. In November 1999, the FDA issued a warning against taking Utah-made weight-loss products containing tiratricol, a French prescription diet drug that has been linked to heart attacks and strokes. The agency also asked the manufacturer to voluntarily recall the product, which sent some muscle-bound meatheads into a panic. But the online magazine *Testosterone* assured readers that "cutting-edge" supplement manufacturers were already planning to market different thyroid analogs similar to tiratricol. Those supplements would be "naturally occurring," and "therefore protected under the DSHEA," wrote *Testosterone*.

The meatheads needn't have worried. Two years after the first recall, products containing tiratricol were still on the market, and the FDA had to undertake not one, but three more recalls up through September 2000.

By contrast, late last year, when a new study showed definitively that phenylpropanolamine (PPA), a common ingredient in cold remedies and over-the-counter weight-loss products (and a chemical cousin to ephedra), slightly raised the risk of stroke in women, the FDA swept into action to remove it from the market. You'd be hard put to find it on the shelves nine months later.

Pump It Up

DSHEA clearly needs to be revisited, but there's little movement afoot to do so. "Congress won't act until there's a major public health tragedy," says attorney Bruce Silverglade at the Center for Science in the Public Interest.

It ultimately took the deaths of 107 people, mostly children, from a poisoned over-the-counter elixir before Congress finally imposed the sweeping regulatory framework under the 1938 Food, Drug, and Cosmetic Act that required drugs to be proven safe and effective before marketing. Barring a massive wave of supplement-related deaths—or the death or illness of one congressman's daughter—any meaningful effort to fix DSHEA will undoubtedly require cooperation from Hatch. But the senator is unpersuaded.

Hatch believes the FDA has plenty of authority to police the supplement industry. As for the pro-hormones, Hatch wants to let the "scientists determine what is a steroid," and believes Congress should not be making drug determinations for every new product that comes on the market, according to one staffer. And if supplement makers are selling drugs as supplements, Hatch believes that "bad things should happen to them. They should go to jail," says a staffer.

Yet Hatch's record suggests the FDA will prosecute some supplement makers over his dead body—especially if those companies happen to operate in Utah. Remember that part of the reason he introduced DSHEA was that the FDA was doing then exactly what he proposes it should do now.

In Hatch's view, just because people might abuse some supplements doesn't mean that the government should make them harder to get. "If you die from taking too many ephedra, maybe the problem was you. It's not the government's fault," explains one of his staffers.

It's the kind of libertarian rhetoric you'd expect from a Western Republican senator. You might even be able to respect him for his belief in personal responsibility and faith in the common sense of American citizens—if only he were consistent about it. After all, if you take his arguments about supplements to their logical conclusion, not only should ephedra be legal, but so should amphetamines. If Americans are smart enough to self-medicate with unregulated supplements, why not let them snort coke or smoke pot?

Of course, Hatch is a drug warrior, and drug laws remain his ultimate solution to problems with supplements. If andro really is a steroid, well, gosh darn it, he says, let's make it a Schedule III drug and put those bastards in prison—but only once the scientists prove it in a clinical trial. Until then, pump it up, baby. ●

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Avoiding the Laos Trap

In a seedy Bangkok hotel, I found pimps, prostitutes, and the guy who makes America's foreign policy.

BY JOSHUA KURLANTZICK

THE BANGKOK HOTEL TO WHICH I pulled up on a motorbike looked more like the kind of place you go for a full-body massage than for a foreign policy briefing. Johns loitered outside the building, occasionally disappearing into the alley. Shady-looking businessmen lounged inside the lobby, sipping Johnny Walker and toasting each other—at one in the afternoon. Porters alternately grabbed people's bags and unceremoniously dumped them on the floor.

I had been asked to the hotel to interview Vang Pobzeb, head of something called the Lao Human Rights Council, an organization in Eau Claire, Wisconsin, that lobbies on behalf of the Hmong, a Laotian ethnic minority, and against closer relations between our country and the government of Laos. Despite the fact that his chosen venue seemed longer on bargirls than conference rooms, Vang had managed to lure reporters from two of the three main newswires—myself and a Reuters guy—by dint of his Web site, a product that was a good deal classier than our hotel. The Reuters reporter and I quickly realized that Vang, who spoke so fast that he sounded like a Christie's auctioneer, had little hard evidence to prove his points. To support his contention that the Lao government was massacring ethnic Hmong, Vang produced a grainy videotape that resembled a '70s snuff film minus the music. When I played the tape on a VCR, all I could make out were shadowy figures. I half expected Haley Joel Osment to appear suddenly and warn me that I was seeing ghosts.

Still, Vang was talking more about Lao-U.S. and Hmong-Lao relations than any of the local diplomats, most of whom wouldn't trouble themselves with such a tiny state. Since the U.S. embassy and the Lao government offered us nothing newsworthy to fill out wire quotas—as a wire service journalist for *Agence France-Presse*, I had to file stories constantly or risk having my sins catalogued in French by my indignant boss—we dutifully jotted down whatever Vang told us and used his briefing in stories. In this small way, our stories helped prevent the United States from strengthening its ties with Laos.

Hmong the Believers

The scene at the hotel encapsulates an important but little-understood shift in the conduct of post-Cold War American foreign policy. These days, ethnic lobbies are about the only American organizations actively engaged in many small countries around the globe. But while they can be helpful—to reporters like me, for instance—ethnic lobbies increasingly determine U.S. action towards these countries, sometimes pushing Washington into extremely inconsistent policies.

Ever wonder, for instance, why the U.S. government bends over backward to develop closer trade relations with a repressive communist regime like China, but maintains sanctions against Cuba? Well, China is a vast new market and a growing military power that threatens U.S. security. American corporations and some military experts believe that engagement with China is crucial. Cuba, on the other hand, poses no military threat to the U.S and is too small a market to be of major interest to corporate America. Consequently, it's easy for Washington to pander to the noisy Cuban-American lobby.

Laos is a poorer, smaller version of Cuba: a tiny, tropical state of roughly five million people in Southeast Asia that is home to one of the world's more backward governments. The country's opaque communist regime routinely attacks opponents and stifles public demonstrations, while its fiscal mismanagement has plunged ordinary Lao citizens into near-African poverty. Laos' currency, the kip, has plummeted from 760 to the dollar in 1997 to more than 8,000 today. Although Laos has an emerging middle class, many more have fallen into squalor.

JOSHUA KURLANTZICK *covers trade and international politics for* U.S. News & World Report. *He has traveled to Laos more than 10 times.*

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This year, foreign aid (none of it from the United States) will constitute more than half the government's budget. Meanwhile, the government celebrated 25 years in power last winter with a Soviet-style parade replete with goose-stepping troops and masses of civilians conscripted to cheer.

Though Laos is neither an expansive potential market like China nor a missile threat like North Korea, there are good reasons to keep an eye on it. One third of the world's opium supply originates in the northern part of the country. Over the past two years, a series of unexplained bombings and other acts of violence—some allegedly facilitated by Hmong-Americans—have shattered the country's somnolent atmosphere. What's more, China is increasing its influence there in order to gain leverage against the U.S. in Southeast Asia.

Thirty-five years ago, Laos was a frontline state in the battle against communism. Top White House, Pentagon, and State Department officials guided our policy towards it. Today, despite the opium production and bombings, it is of little consequence to Washington. But it remains a considerable interest to one small lobby: Hmong veterans of the Vietnam War now living in the United States. In the absence of other interests, U.S. policy toward Laos is now determined by whatever the Hmong's lobby wants.

Heart of Darkness

The Hmong allied with the United States during the Vietnam War. At the time, Laos was a shipment route for the North Vietnamese communists (the Ho Chi Minh Trail ran through Laos) and thus was the target of intense American bombing. U.S. aircraft dropped more explosives then on tiny Laos than on Germany during World War II. At the same time, the Pathet Lao, a communist-controlled insurgency supported by the North Vietnamese, was attempting to overthrow the country's comic-opera oligarchy. The Pathet Lao were drawn mostly from the lowland ethnic Lao; the CIA trained and equipped their ethnic enemies, the Hmong, who lived in the mountainous north. More than 20,000 Hmong died in the fighting. Ultimately, the U.S. pulled out, the Pathet Lao triumphed in 1975, and the communists have ruled Laos ever since.

Today, reminders of the war scar the Lao landscape. The streets of Luang Prabang, Laos' second largest city, display an entire tourist industry developed around unexploded ordnance. For a pittance, I could take a guided tour of the areas American bombers had devastated and buy items fashioned from old shells.

After the havoc wrought on this tiny country and the totalitarian fate that awaited the losers, Washington owed the Hmong, and thousands fled to the United States. Today almost as many Hmong live in America (250,000) as in Laos (300,000). Those who came here settled close together, dominating several congressional districts in Wisconsin, Minnesota, and California. What's more, many Hmong remained devoted to their wartime leaders, such as General Vang Pao, a Kurtz-like figure who lives in southern California, surrounded by a retinue of worshipful advisors. And some Hmong-Americans have faithfully returned to visit family and friends, sometimes allegedly backing Hmong insurgents in Laos.

Fifteen years ago, Hmong-Americans had little political organization. But as the Hmong and many other groups recognized that the federal government was abdicating policy toward smaller states, they seized the opportunity to set up powerful lobbies. Today, Hmong-Americans have multiple lobbying groups augmented by the power of new technology. Through the Internet, groups like the Lao Human Rights Council can stir up their grass roots—and conceal their true size. The Lao Human Rights Council's impressive Web site would lead most to assume that the organization has numerous staffers—unless they had met Vang Pobzeb in a shady hotel and realized how little help he was. Cheap airline tickets, the opening of cross-border land links, and the development of more advanced international banking systems enable U.S.-based groups to supply money—or arms—directly to countries they hope to affect.

When leaders like Vang Pao issue an edict, many Hmong-Americans respond. And though many younger Hmong are less interested in Lao politics, the Hmong interest groups still hold a hard line. Speaking with a *Washington Times* reporter in 1997, Vang Pobzeb said "Any person who speaks out to support the Lao government or support most-favored nation and foreign aid for Laos, they are communist agents."

A good example of the Hmong lobby's clout is the U.S. government's response to the 1999 disappearance of two Hmong-Americans, Michael Vang and Houa Ly, along the Thailand-Laos border. The circumstances surrounding their disappearance remain murky; some Southeast Asia specialists believe the pair had traveled to the region to supply money to Hmong insurgents. Hmong activists believe they were snatched by the Lao government. There is no hard evidence for any of this. In any event, Hmong-Americans pushed hard for an investigation and for retribution against Laos. They got their wish. Congress passed a resolution condemning the Lao government, and the U.S. embassy in Vientiane, the Lao capital, threw all its resources into finding Vang and Ly. The embassy even enlisted the *Vientiane Times*,

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the major English-language newspaper that is tightly controlled by the Laotian government. Regular readers of the *Times*—known primarily for its glowing testimonials to Laos' few successful industries, such as its national beer maker—must have been surprised when they encountered a large advertisement placed by the embassy seeking any information about the two men.

Don't Worry, Be Happy.

The quest for Vang and Ly (who have never been found) was a rarity. Absent pressure from Washington—and from ethnic lobbies—some American diplomats in mainland Southeast Asia tend to do their jobs with a healthy dose of *bo bpen ngan*—an all-inclusive Lao term meaning "relax" or "it doesn't matter." During visits to Laos I have often noticed the American charge d'affaires taking it easy at Vientiane's best patisserie, enjoying an almost colonial pace of life. The laid-back atmosphere makes the U.S. embassy a poor source of information for journalists. I've had better luck at the Australian embassy, where the chief political officer gave me terrific, informed briefings, primarily because he actually took the time to interact with Lao people.

And yet, for some of the most difficult stories, ethnic lobbies are often the only source of information. For six months last year, I attempted to find out what went on in the military-controlled zones of Laos: Rumor had it that troops were brutalizing civilians and even helping to run drugs. I badgered diplomats, expatriates living in Vientiane, and the Lao government, to no avail. Fed up with this stonewalling, I turned to the lobbies, and got some results. While the Hmong organizations' videos and data had to be viewed through a lens of healthy skepticism, the lobbies at least had reports from the military zones—on-the-ground information more valuable than reports culled from news articles.

In these and other ways, ethnic lobbies are of real value. Unfortunately, too often their single-minded devotion kills off arguably better policies. When Congress debated improving trade links with Laos in 1996 and 1997, Hmong-American veterans marched to the Capitol in protest, and so far have succeeded in choking off expanded trade with Vientiane.

The veterans' enthusiasm may be misguided. In just the past three years, I have seen how limited economic growth, driven primarily by trade with neighboring Thai-

Who's Who

By Paul Glastris

We may never know what happened to former Washington intern **Chandra Levy**, according to D.C. police chief **Charles Ramsey**. But we are likely to find out a lot more about the secret life of Rep. **Gary Condit**, according to a key Rule of Washington Scandal Investigations. The rule states that behind every ill-behaving politician is at least one staff member enabling that behavior, and so if you want to know the truth, you go after the staffer. That is no doubt why federal prosecutors investigating possible obstruction-of-justice charges have begun questioning two key Condit assistants, **Michael Dayton** and **Michael Lynch**. Early in the scandal, Lynch frequently and categorically denied that Condit had had an affair with Levy. Lynch also had conversations with another of Condit's ex-lovers, **Ann Marie Smith**, about an affidavit Condit wanted her to sign denying the affair. Dayton has been accused by a third Condit paramour, **Joleen Argentini McKay**, of urging her not to discuss the affair with the police, according to *USA Today* (a charge Dayton denies). You might recall that it was McKay who gave Condit the now-famous Tag Hauer watch, the box from which the lawmaker discarded in a trash can in Alexandria, Va., hours before police searched his home. It was Dayton who drove Condit to Alexandria.

Prosecutors no doubt hope Lynch and Dayton will follow in the footsteps of previous Washington enablers who squealed on their bosses, such as **Robert Rota**, the House postmaster who admitted helping former Rep. **Dan Rostenkowski** secure $21,300 in a stamps-for-cash scheme that led to Rosty's conviction. Why do staffers so frequently aid in their bosses' misdeeds? Because doing so is often a surer path to power than just doing your job. **John Dean**, counsel to **Richard Nixon**, went from not being able to get newspapers delivered to his White House office to having the power to order up helicopters for himself, thanks to his willingness to take part in the Watergate cover-up. "I soon learned," he writes in *Blind Ambition*, "that to make my way upwards, to a position of confidence and influence, I had to travel downward through factional plays, corruption and finally outright crimes."

The Senate has finally agreed to allow Vice President **Dick Cheney** to have the Navy pick up the $134,000 tab for electricity for his official 33-room Washington resi-

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land, has changed Vientiane. The city remains the quietest capital in Southeast Asia, but since 1998 it has sprouted Internet cafes, satellite television, upmarket restaurants and bars, and many other new establishments. Restrictions on the import of foreign newspapers have been lifted somewhat, and Thai papers like *The Bangkok Post* are available in Vientiane. Furthermore, Laos is inching away from its isolationism, boosting air links with neighbors and joining several regional political organizations.

All these developments mark the growth of a cadre of middle-class entrepreneurs who may yet loosen the grip of the aging, heavy-handed Vientiane regime. In fact, in 1999, a group of emboldened university students and professors in Vientiane even attempted to stage a peaceful protest against the regime, the first such demonstration since the communist takeover in 1975. (The regime shut down the demonstrations; many of the demonstrators haven't been heard from since.)

Ad Hoc Policies

The limited, fitful signs of liberalization in Laos present the United States with an opportunity—and a challenge. When it comes to larger, equally repressive communist states such as China or Vietnam, which Colin Powell just visited, the U.S. government consistently argues for closer trade ties on the theory that trade and economic growth creates a middle class and, subsequently, internal pressure for political reform. This theory may or may not prove true. But certainly, it applies as much to Laos as to China or Vietnam. The real reason we haven't opened up trade with Laos is that policymakers, weighing the value of doing so against the reprisals of the Hmong, think to themselves, oh well, *bo bpen ngan*.

But there are greater costs involved when Washington treats similar regimes in opposite ways. Such inconsistency flummoxes American voters, angers foreign governments, and makes the high-minded principles trumpeted by our elected officials sound like empty propaganda. Ethnic lobbies are right to call attention to human rights abuses in their home countries, and they do us a favor when they pick up the slack from slackers in our diplomatic corps. But letting them dictate our policies towards small countries makes no sense.

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dence. Sen. **Byron L. Dorgan** (D-N.D.), who chairs the appropriations subcommittee that oversees White House spending, approved the cost shift after Democrats had squeezed sufficient political advantage out of criticizing Cheney, architect of the Bush energy plan, for trying to make others pay his electric bill. Cheney's staff complains that it was the Clinton administration that first came up with the idea of having the Navy foot the cost (the vice president's mansion is on the grounds of the Naval Observatory). That's true. But it's also true that every administration for decades has used complicated cross-funding mechanisms to hide the true costs of White House operations.

Further proof that the Bush administration knows how to play this game can be seen in the appointment of **Elliot Abrams** as director of the National Security Council's office of democracy, human rights, and international operations. As assistant secretary of state under **Ronald Reagan**, Abrams was famous for his denials of human rights abuses by right-wing Central American death squads and for his perjury conviction in the Iran-Contra scandal. Many have noted that the NSC job doesn't require Senate confirmation, something Abrams was unlikely to get had he been nominated for an agency job. No one has mentioned that he is officially "on detail" from (and having his salary paid by) the U.S. Agency for International Development, an agency where he has never worked.

At the end of every administration, some White House officials decide to start their own consulting and lobbying firms, partly in the hope of making big money, partly because, after working for a president, it's hard to work for someone else. Examples include former Reagan communications strategist **Michael Deaver** (Deaver and Associates) and former Bush NSC adviser **Brent Scowcroft** (The Scowcroft Group). But ex-members of the Clinton White House seem to be setting a new record for entrepreneurship. They include NSC advisor **Sandy Berger** (Stonebridge International); press secretary **Joe Lockhart** (Glover Park Group); deputy chiefs of staff **Steve Ricchetti** (Ricchetti Inc.) and **Joel Johnson** (The Harbour Group); senior health advisor **Chris Jennings** (Jennings Policy Strategies); and speechwriters **Jeff Shesol, Tom Rosshirt**, and **Paul Orzulak** (West Wing Writers).

Speaking of Chandra ... on July 31, CNN repeatedly aired stories condemning China for censoring an interview with **Colin Powell** that appeared on a state-owned television station. On Aug. 2 CNN spiked its scheduled exclusive interview between **Judy Woodruff** and Powell to cover the breaking news that Chandra Levy's body might be buried under a parking lot in Richmond. The story, as we now know, proved false.

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Tidbits & Outrages

Too Late

"We are not a bunch of crazy, wild-eyed deregulators. But we want to look at the costs as well as the benefits. And we don't want to do anything stupid."

~ Cameron Findlay, Deputy Secretary of Labor, on the Bush administration.

"It takes a while to tighten your saddle and get your sea legs..."

~ Colin Powell, early adoptee of the Bush administration's revised rules of locution.

Springtime for Radisson

Hitler's "Eagle's Nest" retreat at Berchtesgaden is being converted into a 140-room, four-star resort.

Bart Simpson to replace Rumsfeld at Pentagon

Pentagon officials are developing high-tech stink bombs to drive away enemies or to control hostile crowds.

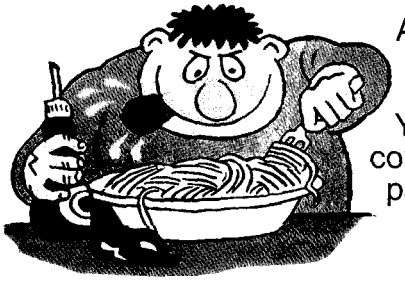
Wrong number on speed dial?

Jeb Bush's staff made at least 95 phone calls to the Bush campaign during the Florida recount, despite the governor's recusal from the recount. Jeb Bush claimed he had "no clue what these calls were about."

"Mr. Sulzberger? There's a Jerry Schwartz on line one..."

Correction of the month: "An article on Friday about the indictment of a Manhattan Boy Scout leader, Jerrold Schwartz, on charges that he molested a troop member misstated the location of his office and the number of counts against him. It is 36 counts of sodomy, not 38."

(from *The New York Times*, July 24, 2001)



Defining Deviancy Down

After the reign of Milosevic, genocide has become a common word in Serbia according to the *Los Angeles Times*. Young people often say, for example, "I committed genocide against that plate of pasta."

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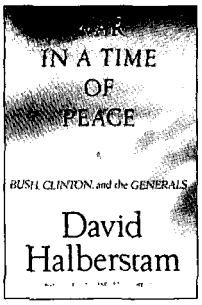
Besting The Brightest

Generals fear a modern military because politicians might actually use it

By Nicholas Thompson

When Saddam Hussein blasted into Kuwait in August 1990, the Pentagon's top brass showed little enthusiasm for a bombing campaign. Airpower alone had never won a war and, besides, planes supported ground troops. It had always worked that way before.

An obscure Air Force strategist, Colonel John Warden, had another plan. Modern states depend on electrical power, communication, and transportation, he argued. Blow up the centralized facilities and you can paralyze the enemy without really risking your own men or slaughtering civilians. We could send in our new stealth fighters undetected by Iraqi radar, fire off guided cruise missiles, and blast out the infrastructure.



WAR IN A TIME OF PEACE:
Bush, Clinton, and the Generals
by David Halberstam
Scriber, $28.00

The Air Force high command resisted Warden. The generals didn't trust new stealth fighters, and they wanted to attack the Iraqi army in the field. At one briefing, Warden's superior, three-star general Charles Horner, literally turned his back on Warden when the colonel spoke; angrily contradicted every point; and then, after the meeting, pointed at Warden's staff and asked them, one by one, to leave Warden and join him. A humiliated Warden lost his staff, but he ultimately succeeded.

According to David Halberstam's new book, *War in a Time of Peace*, Warden won over Norman Schwarzkopf, and then persuaded Defense Secretary Dick Cheney by explaining that: "during World War II, an average B-17 bomb during a bombing run missed its target by some 2,300 feet. Therefore, if you wanted a 90 percent probability of having hit a particular target, you had to drop some 9,000 bombs. That required a bombing run of 1,000 bombers and placed 10,000 men at risk. By contrast, with the new weaponry, one plane flown by one man with one bomb could have the same probability."

With Cheney's backing, Warden designed the air campaign. Airpower decimated Iraq with minimal casualties on our side, in large part due to the stealth fighters, and set the stage for the Army to come in and sweep up. American F-111s, for example, destroyed tanks almost at will in the desert night with their laser-guided bombs and thermal guidance systems. After the war, an Iraqi tank commander told the Americans that, during the war with Iran, Iraqis had used tanks for night shelter. Against the Americans, they had been terrified to get in them. Even given the effectiveness of the ground campaign, Halberstam considers the air assault the backbreaker. "If one of the newsmagazines had wanted to run on its cover the photograph of the man who had played the most critical role in achieving victory, it might well have chosen Warden."

A decade later, Cheney is running our government and our bombs are several times more powerful and accurate. Even better, in another decade or so, instead of 10,000 pilots strafing Germany, or even one pilot putting his life at risk over Iraq or Kosovo, we could have one unmanned plane, flown by a guy sitting at a computer in Aberdeen, Maryland, firing precision-guided missiles with even greater accuracy. We've used unmanned reconnaissance planes with increasing frequency since the Vietnam War, and we've even drawn up plans for a generation of tiny planes, the size of laptop computers, able to zip around urban battlefields and signal back what's around the next corner. But we've never before had the power to send out armed unmanned planes, or UCAVs (unmanned combat aerial vehicles). But soon we will. Boeing has produced the first few for testing, and there may well be many more to come.

If stealth fighters and smart munitions transformed war in 1990, UCAVs could do the same in another decade. Because an unmanned plane can be designed without hav-

Nicholas Thompson *is an editor of* The Washington Monthly.

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ing to take into account pilots' needs—cockpit, parachute, visual displays—the aircraft would be superbly stealthy, extremely fuel-efficient, and able to loiter in the sky for hours on end while the guy in Aberdeen pushed buttons. They also could swoop in over war zones contaminated after nuclear, biological, or chemical attacks, and would be relatively affordable to build and use. Most current fighters wear out or break while used on training runs, which represent 95 percent of their time in the air. According to a report issued in April by the Secretary of Defense, "only our imagination will limit the potential of UAVs in the 21st century." That's the theory, anyway, if the technology works.

The Making Of A Quagmire

These unmanned planes represent a substantial part of the "Revolution in Military Affairs" which George W. Bush and Cheney seemed so gung-ho about during the campaign. We were going to "skip a generation" in weapons systems and revitalize our armed services. Futurists like Pentagon-guru Andrew Marshall stood at Defense Secretary Donald Rumsfeld's arm, carting satchels full of plans for war with unmanned planes, satellites armed with lasers, and complete electronic communication between the services—the kind of stuff that politicians love because it allows for war without body bags, or what Halberstam calls "manna."

Six months into his term, though, Bush froze. The president and Rumsfeld have retreated to rethink their planned Quadrennial Defense Review, the armed forces' road map due this fall. The administration seems to have scaled back and delayed its plans for high-tech revolution, including massive investment in unmanned planes. If the current trend holds, Bush may well just dump the Pentagon's massive and bloated $330 billion budget into salaries and the systems we use today. The legacy of Charles Horner will defeat the legacy of John Warden.

Part of the problem was that Bush drained the piggy bank with his tax cut. In addition, members of Congress seem able to defend every current military line item, no matter how old and irrelevant to fighting future wars, and by so doing, they starve new initiatives. Some of the resistance also comes from military men fearful that new technologies will up-end their careers. Unmanned planes may prove devastatingly effective, but fighter pilots are the military's biggest alpha males.

But probably the biggest obstacle to the hoped-for revolution is the increasing divergence between political leaders and the military about the proper use of military force. Military leaders understand that the technology we choose to fight wars helps to choose the wars we fight. Cutting-edge weapons such as unmanned bombers could allow us to fight a war without casualties. The Devil's bargain is that they could allow us to fight a war without causalities. And, if we can do that, we can fight short little wars everywhere: the generals' greatest fear.

Good Night Saigon

The origins of this conflict between the politicians who choose our wars and the generals who have to fight them is the principal subject of *War in a Time of Peace*. Promoted as a "younger sibling" to Halberstam's brilliant *The Best and the Brightest* about the Americans who shaped the Vietnam War, *War in a Time of Peace* tells the story of military policy during the Clinton years.

The younger sibling is similar in size, scope, and style, but vastly different in tone. *The Best and the Brightest* was Halberstam's angry *tour de force* and his new book has little of the same passion and intensity. But that's appropriate. Vietnam consumed our national psyche and deserved *The Best and the Brightest*. Nobody burned flags over our Balkans policies, no matter how muddled they became. Such crises don't deserve polemics; they deserve detailed and thorough looks that help us understand where the wires crossed.

But if this sequel lacks a clear and chilling focus, it certainly makes up for it in relevance. To Halberstam, differing memories of Vietnam opened the chasm between the military and civilians that plagued Clinton and which the Bush administration has recently collided with. The brass remembered being left to retreat in failure as the real war-makers went off to think-tanks. The suits trembled at the thought of public vilification for doing the wrong thing, or for not doing the right thing. Subsequently, to paraphrase a line cited by Halberstam: The politicians wanted a small Army that we could use everywhere; the generals wanted a big Army that we would never use.

War in a Time of Peace is organized much like *The Best and The Brightest*, with personality profiles interspersed throughout as the author bounces between the developing scene in the Balkans and the political and military situations at home. Halberstam moves, for example, from profiling Clinton's first national security adviser, Tony Lake, to giving a brutal account of the shelling of Srebrenica to describing Newt Gingrich's influence on conservatism in the mid-'90s. This keeps the narrative interesting, and everything Halberstam covers is germane to the story, even when his analysis of well-known characters seem familiar—Richard Holbrooke is arrogant but very good; Bill Clinton can feel your pain.

The story begins with the first Bush administration's deliberations over Yugoslavia. Bush's administration had talent and, Halberstam notes, was comprised of men

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"anxious to deal with foreign policy rather than domestic issues because that was where the action was and the fate of the world might be decided." But nobody knew what to do as the Balkan crisis unfolded. Christians were killing Muslims in Europe and our allies were scrambling around in confusion. Even the elder George Bush, a man fascinated and experienced with foreign policy, was flummoxed for a long time trying to figure out the score, "asking again and again which side was which, who were the Bosnians, who were the Bosnian Serbs, who were the Bosnian Muslims, who were the Kosovars, and who were the Croats and the Slovenians."

Meanwhile, the generals were beginning to radiate their first signs of wariness. As Halberstam writes, men who had fought in Vietnam like Colin Powell, then head of the Joint Chiefs of Staff, had a visceral sense that the instant communications of CNN and other outlets had "transformed a military equation into a more political one in which a more critical factor would be our innate national impatience that might, eventually, undercut the military." They feared that we'd go in, soldiers would die, CNN would broadcast, and the politicians would withdraw the troops and make the military look like losers. Those reservations helped keep the Bush administration out, despite mounting evidence of horrendous massacres on all sides, especially of Bosnian Muslims. As Secretary of State James Baker famously said in June 1991, "We don't have a dog in that fight."

Clinton came into office less interested in foreign policy than his predecessor, and his initial troubles with the military—his draft record, the early gays-in-the-military spat, even Clinton's inability to salute crisply—paralyzed his authority. Because he couldn't cross the generals early on, Clinton clung to Bush's policy of inaction despite campaign promises to the contrary.

Soon, though, more stories of Serb atrocities started to roll in. Americans learned of concentration camps and mass graves. The bloodletting continued, the human- rights community's criticism of his administration mounted, and Clinton started to squirm. At the same time, warlords had ravaged Somalia and CNN was broadcasting back images of children dying on the streets. Colin Powell, still chairman of the Joint Chiefs and the most respected and experienced member of the Clinton foreign policy team, had good political instincts and knew that the president had to act in some way to counter the pressures. Dreading the thought that Clinton would order a Balkan intervention, Powell found an outlet. "[He] did not want to send troops to Somalia, but he wanted even less to send them to Bosnia."

It was a disastrous miscalculation. The botched Somalia mission ended in victory for a vicious warlord, and TV images of dead Army Rangers being dragged through the streets of Mogadishu spoiled whatever appetite Americans had for humanitarian military intervention, and with it much of the will Clinton had to cross the generals and intervene anywhere else.

The politicians want a small Army that we can use everywhere—the generals want a big Army that we will never use.

A year later, we stood by as Hutus took their machetes to the Tutsi in Rwanda, perhaps the clearest genocide in world history. The disconnect between the military and the politicians had in no small part created a bad policy in Somalia to compensate for our bad policy in the Balkans, only to crossbreed these into a horrendous policy in Rwanda.

Black Lamb, Grey Falcon

Even as Halberstam takes us through America's African debacles, he stays focused on the Balkans and the constant tugs on Clinton. Eventually, in the summer of 1995, after brutal Serb massacres in Srebrenica, Clinton, could stand no more. Along with NATO, he finally unleashed bombs on the Serbs. He succeeded swiftly. It only took one Tomahawk missile to destroy commander Ratko Mladic's communications center and according to Halberstam, to crack Milosevic's nerve. "So much of Milosevic's game had been premised on bluster ... That weapon had not only produced a lethal effect on the ground but a devastating psychological effect as well."

At the same time, the military resisted and then tried to undermine our policy—in the opposite way that overzealous military men like General MacArthur had undermined civilian authority in the past. Admiral Leighton (Snuffy) Smith, the commander of the air attack, refused to resume bombing after a brief pause following the hit on the communications center. Clinton seethed, privately calling Smith insubordinate, and eventually forcing the admiral to resume action. The bombing, plus a ground offensive by Croat and Bosnian Muslim troops coordinated by the United States, drove

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Milosevic to the negotiating table, where the parties hammered out the Dayton peace settlement which ended the war.

But that didn't end the tensions among ethnic groups in Bosnia, or between the White House and the brass. Even after the fighting stopped, Admiral Smith found ways to undermine civilian decisions. For example he unapologetically allowed convicted war criminal Radovan Karadzic, ostensibly hunted by America, to slip through four checkpoints in Bosnia under the admiral's command.

Balkan Ghosts

The book climaxes with war in Kosovo during the spring of 1999. In particular, Halberstam focuses on the conflict between General Wes Clark, the Army four-star serving as commander-in-chief of the NATO troops, and his fellow generals. Although arrogant and stubborn, Clark was the one general, according to Halberstam, eager to fully use our weaponry, and the only one comfortable with politicians, a major flaw in the eyes of his peers.

Once at war, Clark wanted to strike forcefully and quickly, and he wanted to maintain the threat of using ground troops on Milosevic. But Clinton pulled that option off the table early, and Clark's vision for war got tangled between the reluctant generals at home and the difficulty of commanding a U.N. force.

Still, U.S. warfare broke technological ground. B-2s took off from their base in Missouri, evaded Serb radar, and blasted their targets with powerful bombs guided by Global Positioning Satellite systems. Yet the generals were digging in their heels. As part of the struggle, Clark requested a fleet of the Army's super-fast and powerful Apache helicopters to help take out targets and to protect the Kosovars fleeing the Serb onslaught. But the Pentagon thought Clark planned to use them as a sprat to catch a mackerel; next, he would demand ground troops and broaden the war. So the top brass at home resisted.

Eventually, Hugh Shelton, head of the Joint Chiefs, found a compromise: send the Apaches to Albania but don't use them until everyone agrees on their need. But then the Apaches just didn't come. According to Halberstam: "The Army slow-walked the Apaches through the pipeline. Its every move seemed greased with molasses. Clearly someone at the top had sent out a signal that there was no rush." Nobody chose a base for the Apaches right off the bat, and then they picked one that had to be entirely rebuilt with rockfill. The war ended before the Apaches entered combat.

In spite of U.S. bumbling, Milosevic eventually knuckled under. He clearly was overmatched; his former Russian friends knew that their economic lifeline would be cut if they came to his defense; and pressure had been mounting, particularly from the British, to send in ground troops. Clark's reward for winning? The Joint Chiefs of Staff summarily got rid of him, without telling the president until it was a *fait accompli*.

The Powers That Be

George W. Bush should read Halberstam's book, paying careful attention to the sections on how modern technology fueled our nearly bloodless (at least to us) victories in Iraq and Kosovo. Now is the time for the new president to prepare for the next war—probably a small war, heavily dependent on technologies that are still in development. Technology doesn't solve everything, and the past is littered with high-tech lemons. Indeed some UCAVs, in that next war may well blow up a school because the guy in Aberdeen's keyboard got stuck. But human error, pilots blowing up schools because they just have too much adrenaline flowing through them, may well be more dangerous. And reliance on outdated technology can be even worse.

Bush should also take a lesson from the end of Clinton's term: The politicians may have screwed the military in Vietnam, but the tables were turned in Yugoslavia. The conventional wisdom holds that politicians shouldn't tell generals how to fight wars. But Clinton, who famously never served, had a better grasp of what the new air-war technologies could do than the generals or the so-called military experts who droned on every night during the Kosovo campaign that wars couldn't be won without ground troops—which is precisely what Clinton did.

The generals will resist any change pushed by Bush. Large organizations never respond quickly, and men in war will rarely willingly replace the tools they've learned to depend on. It took the Air Force 25 years to adopt cruise missiles, now a huge part of our arsenal, and the brass fought back every step of the way. Former CIA Director James Woolsey says: "Go back in military history. There were probably infantry men in prehistoric times grumpy at cavalry."

But soon the men shaped by Vietnam will retire, and a newer generation, which grew up with precision-guided missiles, will run the show. Bush and Cheney should be designing the military for them, even if the newer generation finds it less fun to dogfight with Iraqi fighter pilots than to sit in Aberdeen and bomb power stations with UCAVs. ●

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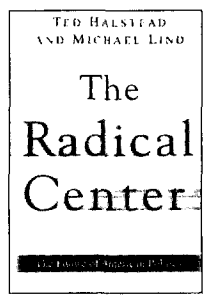
Middlemarch

Wingnuts used to make politics interesting. Now centrists throw the bombs.

By Bruce Reed

NOT SO LONG AGO, "CENTRIST" WAS practically a dirty word in politics. Democrats roared every time Texas populist Jim Hightower said, "The only two things you'll find in the middle of the road are yellow stripes and dead armadillos." For three decades, Republicans marched like lemmings to Goldwater's credo, "Extremism in the defense of liberty is no vice."

Today, the lemmings are dead, and the middle of the road is getting awfully crowded. The bipartisan Senate Centrist Coalition has 41 members. In the House, Republican moderates—thought for years to be extinct—now routinely rebuff President Bush on offshore drilling, campaign-finance reform, and regulations left over from the Clinton administration. Even Tom DeLay (R-Texas) couldn't stop himself from voting for a centrist education bill, sheepishly promising to resume his right-wing jihad later.



THE RADICAL CENTER
by Ted Halstead and Michael Lind
Doubleday, $24.95

Centrists used to be inescapably bland, like Sam Nunn (D-Ga.) and Howard Baker (R-Tenn.). Not anymore. Now left and right are a snooze and centrists make good copy: John McCain, Jesse Ventura, Bill Clinton. Even some centrists who used to be dull aren't dull anymore, like Jim Jeffords, who's writing two books about his late-life switch from Clark Kent to Superman. These days, the political world yawns at another Al Sharpton hunger strike. We're waiting for that Jeffords diet book.

Pockets of extremism survive on cable channels and in the first drafts of Bush administration policy papers. The Bush crowd still seems to think triangulation means checking with Karl Rove, Dick Cheney, and Grover Norquist. You have to give them credit. They promised a more efficient White House, and they have delivered. In the Clinton administration, it took us two whole years to lose the Congress. The Bush team did it in just four months.

Bush campaigned as the accidental centrist, whose one political achievement in Texas—education reform—coincided with his party's greatest political weakness. In office, his advisers have traded centrism for catechism. They chose Spain for his first state visit, Mexico for his first state dinner, and an audience with Pope John Paul II for his first state of purgatory. When John Kennedy ran for president, Protestants used to worry that the pope had a secret plot to take over America. Now Catholics should worry that Rove has a secret plan to take over the Vatican. If the Spanish Armada invaded Miami, Bush would have to tell his brother: "Sorry, Jeb, we can't send troops. We're trying to make inroads with Hispanics."

Still, you don't need a puff of white smoke to know which way the wind blows. Whether the president realizes it or not, the times are a-changing. As Ted

Bruce Reed, *formerly Bill Clinton's domestic policy adviser, is now president of the Democratic Leadership Council.*

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Halstead and Michael Lind make abundantly clear in their provocative new book, *The Radical Center*, compassionate conservatism is out. Passionate centrism is in.

Halstead founded the New America Foundation, a think tank that several leading writers from Generations X and Y call home. Lind, a senior fellow at New America, is a prolific writer and lapsed neoconservative, who got out in 1995 while the going was good. "The future of American politics," they write, "may well belong to the major party that is first to renounce its more extreme positions, and embrace a new Radical Centrist agenda." On behalf of "armies of disaffected, independent-minded voters," Halstead and Lind lament what they call "our rigid two-party cartel," and openly pine for a third party.

Centrists aren't dull anymore. The political world yawns at another Al Sharpton hunger strike, but we're waiting for that Jim Jeffords diet book.

Their political critique, if not their agenda, echoes the Third Way rhetoric Bill Clinton and Tony Blair used to reform their respective parties. With impressive historical sweep, Halstead and Lind write of "the First Three Americas" (from Independence to the Civil War, Reconstruction to World War I, and the New Deal to the present); the "three tidal waves of creative destruction" (the steam engine in the 19th century, the internal combustion engine in the 20th, and the information technology and biotechnology revolutions today); and the three looming divides (racial, generational, and genetic). As a journalist said after one Clinton-Blair Third Way summit, "That's the most discussion of three-ways since Hugh Hefner retired."

Halstead and Lind call for a new social contract, invoking the same timeless FDR lines that Clinton quoted a decade ago in proposing his own new social contract: "New conditions impose new requirements upon government and those who conduct government."

Their plan is radical indeed. "You sometimes need to sever the branch in order to save the tree," they say, and gleefully offer up a chain-saw massacre: national equalization of school funding, a national consumption tax to replace state sales taxes, an end to the home mortgage deduction, progressive privatization of Social Security. One of the most promising ideas they champion, endowing a savings account for every newborn, was part of Blair's re-election platform. Another idea, abolishing the corporate income tax, is a favorite of Treasury Secretary Paul O'Neill. As with most policy cookbooks, some of the recipes take too long, and require too many costly ingredients. Candidates seeking a platform for 2004 may regard *The Radical Center* as the point on the ideological spectrum where good intention meets fat chance.

But Halstead and Lind never intended to enact this agenda anytime soon. They are betting on a dramatic shift in the political paradigm as younger generations rise to power over the next quarter century.

On the central question that haunts policymakers the world over—how to make citizens comfortable with the risks and rewards of the new economy—the authors believe that younger generations will accept less security in return for more choice.

Let's hope so. But a lot of people in their 20s and 30s have recently discovered that Schumpeter's creative destruction loses luster when stock options go underwater. Those weren't aging textile workers with cell phones and BlackBerrys manning the protest barricades in Seattle and Genoa. Halstead and Lind may have some work to do with Generation Next. At last year's World Bank protests, a pink-haired, 20-something relative of mine took to the streets chanting, "More Fish, Less Shark."

In the short run, I believe the new terms of our social contract may be closer to home: helping parents to balance work and family, and to raise their children to be better than the culture around them; tackling the last bastion of the underclass by making sure that fathers, not just mothers, do their part to break the cycle of poverty; and restoring the hard-won fiscal discipline without which our economy will never grow fast enough to afford ideas as daring as the ones Halstead and Lind challenge us to embrace.

But *The Radical Center* prompts the right question: What should it mean to be a centrist, now that

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everyone in Washington wants to be one? Over the years, we have seen two distinct, but often confused, strains of centrism. One stems from caution, the other from conviction. The Clinton administration had its share of both. On some issues, we just did the best we could with the hand we were dealt. But Clinton's great triumphs, from balancing the budget to reforming welfare, came when he used the vital center to promote change more sweeping than either party would dream of on its own.

That is where, apart from Bush's occasional alliance with New Democrats on education reform, compassionate conservatism has been such a disappointment. True believers once hoped that compassionate conservatism would give Bush a "Fourth Way" to succeed Clinton's Third. But so far it has been all hat and no cattle—calling for a new War on Poverty one day; demanding a $1.6 trillion tax cut for the wealthy the next.

Halstead and Lind are dead right that, for centrism to be the dominant political force, it cannot be based on cover or compromise—what they aptly call the "Squishy Center." The rightful successor to liberalism and conservatism must have enough heft to replace the other two. Centrism isn't about survival. It's about building broad support for ambitious reforms that will go further to solve our common problems than the current orthodoxies allow.

With Clinton gone and the triumphs of the '90s behind us, that is as great a challenge for Democrats as for Republicans. Democrats learned the hard way in 2000 that we can no longer count on Republican excesses to make us look good. We can't let the center go back to being boring.

A hundred years ago this September, the most radical centrist of all became president upon the death of William McKinley. Don't hold your breath waiting for Bush to commemorate Teddy Roosevelt in the Rose Garden. Karl Rove always said that the 2000 campaign was 1896 all over again, with Bush a modern-day McKinley and Rove the new Mark Hanna. No wonder we long for something grander than Bushism. Even its heroes manage to lower expectations.

The Washington Monthly
Journalism Award

JULY 2001

MICHAEL HAWTHORNE
"Scotts: Beneath the Surface"
The Columbus Dispatch

In a two-part series, Hawthorne uncovers a long history of chemical and environmental poisoning at the Scotts lawn-care company in Marysville, Ohio. At least five Scotts employees have died and dozens of others have been sickened by exposure to an asbestos-contaminated ore called vermiculite that the company used in potting soil and fertilizer. Scotts knew of the danger as far back as the 1970s, but did not notify employees until recently. Hawthorne also dug up government reports detailing how Scotts endangered public health by dumping toxic chemicals in insecure landfills. When nearby streams were contaminated with pesticides like DDT and chlordane, the EPA notified Scotts of "longstanding and serious" violations of state environmental laws. The company blamed the chemical runoff on "groundhogs that had burrowed into the landfill" and has yet to settle a four-year-old state complaint.

THE MONTHLY JOURNALISM AWARD is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including a copy of the article or broadcast text) to The Washington Monthly Journalism Award, 733 15th Street, NW, Suite 1000, Washington, DC 20005. Or e-mail us at **editors@washingtonmonthly.com**. Nominations for stories run in August are due September 1, 2001.

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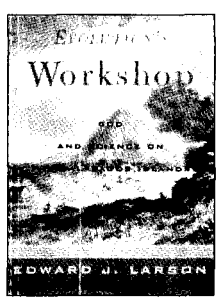
We're All Darwinians Now

But did God smite the car-sized armadillos?

BY GREGG EASTERBROOK

THE CENTURY-AND-A-HALF OLD struggle between evolution and faith seems to be entering a new phase, in which the argument no longer concerns whether natural selection is real but rather what the reality of natural selection means. Religious leaders have begun to make their peace with natural selection as fact; Pope John Paul II five years ago called evolution "more than just a theory," and few mainstream Protestant denominations today contest Darwin, if only because they do not wish to sound like Luddites. When the Kansas State Board of Education two years ago recommended that some Darwinian ideas be dropped from school curricula, its members were promptly voted out of office, indicating that even evangelicals, a big voting bloc in Kansas, are losing patience with trying to deny Darwin. Barring some really unexpected fundamental discovery, it now seems inarguable that living things evolve.



EVOLUTION'S WORKSHOP: God and Science on the Galapagos Islands
by Edward J. Larson
Basic Books, $27.50

Yet, even as natural selection becomes entrenched, there remain deep mysteries of creation against which scientific understanding has made no progress at all—especially the origin of life, which Darwinian theory can't account for. Science continues to illuminate aspects of the natural world in which consciousness and complexity seem, if not necessarily divinely guided, pretty damn hard to explain based on chance forces. Even as natural selection prevails as the key to fathoming important aspects of our biology, there remain nagging questions about whether existence reflects something like the purposefulness that faiths teach.

Not surprisingly, there has recently been an outpouring of books on evolution and the faith/science boundary. *Evolution's Workshop* by Edward Larson, which details the history of the Galapagos, is an outstanding contribution. Larson, of the University of Georgia, is becoming one of the leading historians of his generation: His previous work, *Summer for the Gods*, a study of the Scopes trial, won a Pulitzer in 1997, and *Evolution's Workshop* is at least its equal.

Larson begins by reminding us that Charles Darwin was far from the first to wonder at the unusual ecosphere of the Galapagos, just the first to fathom what it meant. The first European to gaze at the islands, Tomàs de Berlanga, a Spanish bishop, arrived there in 1535—three centuries before the *HMS Beagle*—and pronounced the Galapagos cursed by God because they had no fresh water and no large mammals. Because the islands defied established ideas about the natural order, Larson writes, the Galapagos became a subject of European fascination from that point forward. The Galapagos even figured prominently in a popular British book of natural history published in 1684, predating *Origin of Species* by 200 years.

While the lack of fresh water is what dismayed the

GREGG EASTERBROOK *is a contributing editor of* The Washington Monthly *and a senior editor of* The New Republic *and* Beliefnet.com.

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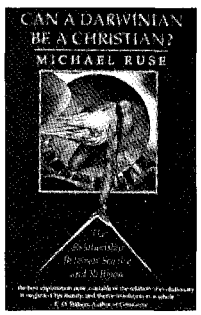
first sailors to call on the Galapagos, it was the strangeness of the fauna that puzzled naturalists and clergy. "Since medieval times," Larson writes, "Europeans had seen the natural world as a vast spiritual allegory created by God to instruct humans." But the New World ecology did not compute. Augustine thought dogs were created to bark to protect their masters; when Columbus encountered the mute dogs indigenous to the Caribbean, he was startled—why would the Maker design a dog that couldn't bark? Vespucci, finding numerous new species in South America, said it made him wonder how two of every creature could possibly have fit into the Ark.

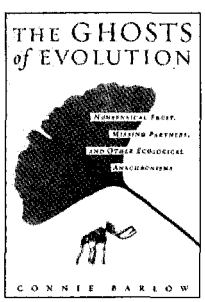
Most strangely to European eyes, the New World held few large mammals. Since horses and cattle were the species of highest utility to *Homo sapiens*, their absence from an entire hemisphere called into question standard assumptions about divine intent. One pope would declare that New World peoples must all be vegetarians, since God had denied them proper meat. The Galapagos seemed especially disfavored in this regard, populated only by birds and reptiles—the Maker's lowest handiwork, as readers of Genesis know. How did Galapagos creatures arrive on outcroppings so far from the mainland? Why did they seem slightly different from island to island? Europe's sailors came to terms with the Galapagos giant tortoise, after learning it was an ideal provision—taken aboard ships, the tortoises could live for weeks without food or water, then be cooked into tasty fresh stews. Europe's scientists and clergy found the islands deeply disturbing.

By the early 19th century, the French naturalist Georges Cuvier would attempt to resolve some paradoxes of species discoveries by proposing a theory of multiple creations—God made life not once but several times, choosing different creatures in response to environmental change. One of Cuvier's examples was the Galapagos where, he supposed, the Maker must have formed only those that could survive in the unusual conditions.

Multiple-creation theory backed by the Galapagos was a common subject for discussion in European universities when the British Navy tasked the *Beagle* to conduct a mapping expedition along the South American coastline. Captain Robert Fitzroy despaired of his assignment, for he was to be the only gentleman aboard. Fitzroy asked to bring along a well-bred guest so that he would have someone to talk to; he found the young Darwin, then in the early stages of study for the Anglican priesthood. (Darwin hoped to be a university cleric, not a parish priest; at the time, almost all academics at Cambridge and Oxford wore the collar.) Darwin talked his father into paying passage for his manservant, one Syms Covington; that the founder of evolutionary theory chased Galapagos mockingbirds while accompanied by a butler is something history tends to gloss over. Preparing for the voyage, the sheltered Darwin excitedly bought rifles and pistols for protection from wild beasts.



CAN A DARWINIAN BE A CHRISTIAN?
The Relation Between Science and Religion
by Michael Ruse
Cambridge University Press
$24.95



GHOSTS OF EVOLUTION: Nonsensical Fruit, Missing Partners and Other Ecological Anachronisms
by Connie Barlow
Basic Books, $26.00

The weapons were never fired. Darwin found he could walk right up to Galapagos creatures, causing him to reason that local species had been exempt from predation so long, they had evolved away from the flight response. To this day, the same remains. When I was in the Galapagos a few years ago, I was able to approach an albatross or blue-footed booby without causing any reaction, other than tut-tutting from local naturalists. The passivity of Galapagos creatures made them ideal for study; the differing environments of the islands helped Darwin realize how species adapt to circumstances.

The Ghost in the Machine

Over the years, Darwin's premises have solved so many puzzles of biology that many now believe all questions have been answered. But they haven't been, not by a long shot. There are both small mysteries and great ones remaining.

One of the remaining small mysteries is the subject of *The Ghosts of Evolution*, a fine work by the science writer Connie Barlow. Her topic is the contemporary biologist Dan Janzen and his obsession with rotting fruit on the floors of Central American forests. Why do plants produce so much fruit that it ends up rotting? Why, Janzen long wondered, doesn't something eat the stuff? Janzen eventually came to theorize that the somethings that used to eat the fruit of Central American forests are now extinct, but the plants have not yet "realized" that.

Wild plants are thought to have evolved alluring fruits so that animals will munch the offerings, then walk somewhere else and excrete seeds, spreading the

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plant's DNA. The rotting fruits of Central American forest floors, Janzen thinks, once attracted large herbivores that no longer exist. This is in synch with what other researchers have found about the recent past, geologically speaking. Very large herbivores once were common in most of the world—mastodons, woolly mammoths, jumbo rhinos, glyptodonts (armadillos about the size of a car), ground sloths as big as elephants. In North America, giant camels, large native horses, and a beaver the size of a bear also roamed the landscape. But large land creatures started to fall extinct about 50,000 years ago, and every one mentioned in this paragraph was gone by about 13,000 years ago. Cows and bison are about all that's left to fill their vacated ecological niches. Barlow writes, "Janzen was beginning to suspect that the forests and savannas where livestock grazed were in some ways closer approximations to the human past."

Extinctions of the large land animals roughly coincided with the end of the Pleistocene ice age, but the fossil record suggests that these species had survived ice cycles before. What the large herbivores had never before had to deal with was *Homo sapiens*, which became anatomically and mentally "modern" about the time the extinctions began. It's not a wild guess that, as humans learned to make weapons and start fires, they hunted large game to extinction—if the creatures had never had predators, perhaps the humans could have walked right up to a mastodon or giant beaver and thrust a spear in. To ancient men and women, the presence of huge, dull-witted, appetizing mammals might have seemed providential—as if a higher power had placed them there for human sustenance.

The Ghosts of Evolution goes on to speculate in considerable detail on why the profusion of rotting fruits proves that much of the world's ecology was "recently" dependent on animals that have disappeared, and offers rather more specifics than most non-specialists will desire on exactly how seeds are evolved to pass through the guts of mammals. My favorite factoid: Seeds of the honey locust tree are so toughly coated that they will not sprout for gardeners unless the outer layer is mechanically cracked or the seed dipped into sulfuric acid. But if that seed goes through the digestive system of a cow, the coat is degraded just enough that the seed will germinate as soon as it leaves the animal. Profound forces must underlie such a sophisticated biological relationship. Maybe these forces are natural, and we simply haven't yet figured them out. Maybe something larger is at work.

Fertile Finches

Whether evolution and faith both belong in these debates is the subject for Michael Ruse's *Can a Darwinian be a Christian?* Ruse, a professor of philosophy at Florida State University, has acquired a reputation for exacting accuracy in writing about the science/religion boundary. In this book, he doesn't dwell on the obvious, but digs into the particulars of selection theory as applied to larger issues.

Consider, for example, the very high rates of death in nature. Most species—Galapagos finches among them—produce far more young than can possibly survive. Seeing that most offspring perish, Darwin supposed this an evolutionary necessity: Parents have huge numbers of young with slightly different features, so that there can be a lively competition to find the offspring best suited to the immediate environment. Darwin was heavily influenced by Malthus, who argued that human beings reproduce too much and therefore either runaway population growth or species limitation through starvation was inevitable. Darwin thought the preponderance of early death among animals and people both (childhood death, still common in the 19th century, would claim Darwin's beloved daughter Annie) showed the natural realm fundamentally pitiless. If nature is pitiless, Darwin reasoned, this disproves any guiding hand. He concluded, "There seems no more design in the variability of organic beings ... than in the course which the wind blows."

And yet some creatures, especially territorial predators, don't produce huge numbers of surplus young; somehow they know what their ecological niche can support, and limit their offspring. How predators self-regulate population is a current research mystery. *Homo sapiens* turns out to be another creature with population sense. Malthus believed raising standards of living would be disastrous because this would only put the poor into a position to have runaway numbers of babies. Contrary to his assumptions, in nearly all nations, as family income rises, average family size declines. Currently, developing world fertility is declining far more rapidly than projected, a reason that a human population catastrophe may never happen.

Species that don't over-produce young have evolved too, so huge numbers of dying offspring are not necessary for natural selection. Insights like this tend to muddy the Darwin-versus-God debate. The natural system hardly seems perfect—there are all those baby finches that die—but it's not heartless either. It seems to be seeking the greatest possible amount of life, which sounds rather like a higher goal.

The Origin of Species

Though the public debate about evolution and

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faith continues to center on fringe creationist claims that Darwin should be rejected, among specialists, the question of the moment is not whether species evolve but why there are species in the first place. Darwinian mechanics only describe how creatures that already exist change in response to environment; selection theory is silent on how life began, and contemporary biology can offer no explanation. Darwin famously mused that in prehistory a "warm little pond" of chemicals may have been struck by lightning, but he admitted this was weak tea. One clue came in the Miller-Urey experiments of the 1950s, in which elements representing the ancient atmosphere formed amino acids when subjected to simulated lightning.

But nothing in Miller and Urey's test tubes came to life. Follow-up experiments, including a recent effort by the Carnegie Institution and NASA, have shown that certain important properties of organic compounds can arise naturally—but why shouldn't God employ compounds with natural properties? The Carnegie-NASA tests did not produce anything even remotely alive, either. Lately researchers have been toying with the notion that the first living substance was RNA, a relative of DNA. But RNA doesn't reproduce, and attempts to make it do so in the lab have failed.

How chemicals advanced from inanimate reactions on the barren rock faces of ancient Earth to extremely precise self-replication by the billions of DNA points is a much more interesting question than how the beaks of finches adapt to the shapes of various seeds. Here the "intelligent design" camp becomes relevant. This group's basic contention is that the leap from inanimate to animate seems unimaginable without guidance, and it's a haunting point.

Consider that Darwinian theory asserts a single common ancestor for all living things. The genetic structures shared by many creatures do show a web of interrelationship—your chromosomes contain more segments identical to fruit-fly DNA than you might care to know. But supposing the origin of life was wholly natural, why could it have happened just once, in the dawn of the common ancestor? If a natural process causes inanimate compounds to start living, this should happen all the time.

Perhaps origins of life are in fact happening unnoticed every day, since existing, specialized organisms might crowd out any new kids on the block. Nevertheless if the origin of life was wholly natural, then it should be possible to create life in a laboratory: It's odd to posit that life once began unaided in a harsh, sterile environment containing zero knowledge, but today cannot begin under ideal conditions controlled by researchers possessing elaborate information. And no researcher has even come close to manufacturing life. Until such time as biology grad students can create life whenever they wish, higher influences cannot be dismissed.

Can a Darwinian Be a Christian? suggests the debate on natural selection as fact is about to end, to be supplanted by a debate regarding how biology and faith should modify each other. Ruse's conclusion: "The Christian would be foolish to think that Darwinianism insists that humans are uniquely significant and bound to appear. However, the Christian can find in Darwinianism some support for the belief about the special significance of humans and the probability of their appearance." Substitute "believer" for Christian and the meaning remains the same.

The natural system hardly seems perfect, but it's not heartless either. It seems to seek the greatest possible amount of life, which sounds rather like a higher goal.

Not only are religious leaders making their peace with natural selection; on the flip side, as the biotechnology era begins, science increasingly finds itself facing ethical quandaries that sound very much like spiritual questions. If you create an artificial human embryo, for example—as a Massachusetts company did last month—have you created something sacred or a research tool? Science just can't answer that; it's going to need help from theology.

David Lack, the 1940s biologist who did the definitive work on Galapagos finches once said that neither scientific materialism nor religious devotion can alone explain the living world, as both entail "unexplained gaps and contradictions." Today it is fashionable to assume that science and faith are bent on each other's destruction. Both ways of knowing may be necessary if we are ever to understand why we are here.

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We've Figured Out the Human Genome!

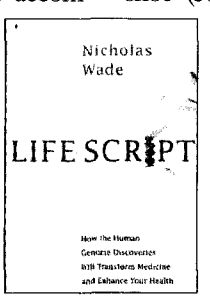
Time for a nap.

BY PHILLIP J. LONGMAN

TO HEAR NICHOLAS WADE TELL IT, June 26, 2000, marked "the beginning of a new era of medicine." That was the day President Bill Clinton, speaking in the East Room of the White House, announced that biologists had completed a first survey of the 3 billion DNA letters, or sequences, that define the human genome. Clinton compared this accomplishment to "learning the language in which God created life." Wade, with only slightly less rhetorical flourish, assures us that the sequencing of the human genome "provides the basis on which to understand the human body almost as fully and precisely as an engineer understands a machine."

From that understanding, Wade continues, "physicians can hope to develop new ways to fix the human machine and in time to correct most—perhaps almost all—of its defects." Before long, these future fixes might even allow humans to become "effectively immortal," he concludes, speculating that people endowed with such potential might want to separate themselves from lesser beings by establishing a society of Methuselahs on Mars.

If you've just returned from a long visit to Mars, you might be shocked to find a journeyman science writer and editor for *The New York Times* carrying on with such sci-fi themes. But Wade is hardly alone in his estimation of how profoundly the revolution in genetics will affect the practice of medicine. Controversies rage over who owns the information contained in the human genome, and over the ethics of cloning, gene-therapy trials, and most recently embryonic stem-cell research. But implicit in all these debates is a widespread assumption that genetic research holds the potential not only to produce miracle cures for major diseases, but to prolong the human life span significantly, if not indefinitely. From President Bush, who promises to fund a "medical moonshot" (even at the expense of federal investment in physics and space exploration) to the man in the street, who hears each day that biologists have discovered a "gene for breast cancer," or a "gene for shyness," the conviction grows throughout the culture that genetics hold the ultimate explanation for most human afflictions, whether physical or mental. Would that it were true.



LIFE SCRIPT: How the Human Genome Discoveries Will Transform Medicine and Enhance Your Health
by Nicholas Wade
Simon & Schuster, $24.00

For those who have failed to keep up with their newspapers, *Life Script* provides a useful and up-to-date survey of the biomedical headlines you may have missed in recent years. Early chapters rehash the colorful clash between James D. Watson of the National Institutes of Health's Human Genome Project, and J. Craig Venter, the National Institute of Health (NIH) scientist who broke away to undertake his own privately funded quest to map the human genome. Later, Wade introduces us to various figures celebrated for their efforts to create bioengineered drugs, or for their claims to have isolated a genetic basis for diseases such as Alzheimer's or diabetes, or for their success in using stem cells to grow new organ tissue in animals. Wade often writes at a level of detail that presupposes the reader has at least minored in biology, but even those who don't know an SNP from an allele will be able to tough it out. (In a bibliographical essay, Wade helpfully suggests obtaining a copy of the college textbook, *The Molecular Biology of the Cell.*)

PHILLIP J. LONGMAN *is a freelance writer based in Washington D.C.*

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Readers should be aware, however, that *Life Script* is a deeply misleading book, not in what it reports about recent developments in genetics, but in its neglect of the bigger picture. Despite all the hype surrounding the "completion" of the Human Genome Project, many biologists are disappointed by its results, and there is a deepening suspicion that gene sequences by themselves explain very little about why we get sick and ultimately die. As Harvard biologist Richard Lewontin has recently written, "Now that we have the complete sequence of the human genome, we do not, alas, know anything more than we did before about what it is to be human."

Trying to explain how the body works by looking only at its genome is like trying to decipher *The New York Times* by focusing on the sequence of molecules on each page.

Lewontin isn't making the obvious observation that genetic research can never give us the meaning of life or an understanding of the soul. His thoroughly materialistic point is that the human body isn't programmed by any simple code. Rather, it is a complex adaptive system that both influences, and is influenced by, its surrounding environment on many different scales. If you want to make accurate predictions about how such a body will fare in this world, or intervene meaningfully in extending its life, you're far better off paying attention to what it eats, the cleanliness of the air it breathes, how often it exercises, and even to what indignities it must suffer at the hands of other humans, than you are paying attention to its genes.

As yet, the study of DNA sequences has not led to the cure of a single human disease. Better understanding of genetics has led to the creation of some useful new drugs, such as Herceptin, used to fight some forms of breast cancer, and Glivec, which when used in combination with other drugs, may prove a significant advance in treating one form of leukemia. But gene-based cures for major diseases remain well beyond the horizon, and there are strong theoretical and empirical reasons to believe that they always will. Indeed, genetic determinism is becoming, in the words of the eminent molecular biologist Richard Strohman, "a failing paradigm in biology and medicine."

The more scientists learn about the surprisingly limited amount of information contained within the human genome itself—and its remarkable lack of diversity among individuals—the more it becomes evident how much forces other than genes determine human health. These include everything from the mysterious processes that determine how proteins combine with proteins within the body to global-scale environmental and cultural factors. Trying to explain how the body works by looking only at its genome is like trying to decipher the news in this morning's *New York Times* by focusing on the sequence of molecules arranged on each page. Perhaps this exercise would be worth doing for its own sake. And one day it might even lead to a better understanding of how to make print easier to read or some other practical end. But if one's purpose is to understand the meaning of today's *New York Times*, and to be able to make some useful predictions about what will be in tomorrow's paper (including how the molecules in tomorrow's paper will be arranged) it would be far more effective to shift the scale of perspective and map the code of the English language, while at the same time studying history, politics, sociology, etc.

Perhaps the most startling conclusion of the human genome project was the discovery that humans have only about 32,000 genes, which is only about 75 percent more than a nematode worm has, and only 25 percent more than a milkweed. This in itself suggests that the vast differences between humans and milkweeds must be caused by far more than what we can see in their differing genomes. But it also forces the question of how much of a role these 32,000 human genes by themselves can play in determining the organization and operation of the body. As the evolutionary biologist Paul R. Ehrlich points out, human beings have more than 1 trillion nerve cells with as many as 1,000 trillion connections, or synapses, between them. Even if each gene concerned itself solely with the nervous system, each gene would be responsible for the development of an average 3 billion synapses. Other, larger scale forces are obviously at work both within the body and without.

There are, to be sure, some diseases directly caused by specific genetic defects. For example, unless they die of something else first, all persons who have more than 40 repeats of cytosine-adenine-guanine on the short end of chromosome 4 will ultimately die of Huntington's Disease. Such a fate cannot be avoided by change of lifestyle or environment. At the same time, there is no way to contract Huntington's disease except by inherit-

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ing this specific gene defect. But true genetic diseases like Huntington's are exceedingly rare, accounting for only about 2 percent of all pathological conditions endured by humanity.

More common are diseases like breast cancer. There is a specific gene defect associated with the disease. But as Strohman points out, many women who carry this defect don't contract breast cancer, and of the 173,000 women who develop breast tumors each year, 95 percent don't carry the defect. Other diseases such as arteriosclerosis may involve as many as 500 genes. None of these genes plays a large role in causing hardening of the arteries, and what role they do play is largely affected by overall body chemistry and by other non-genetic factors such as a person's age, diet, and environment. Because so many non-genetic variables are involved in the diseases that cause the vast majority of human deaths, and because the body in many instances can compensate for specific genetic defects, genetic testing by itself rarely gives accurate predictions of who will get sick from what—a reality unchanged by knowing the complete sequence of the human genome.

Genes, far from determining the incidence and course of most diseases, increasingly appear to play bit roles in concert with other forces ranging in scale from the molecular to the global. The incidence of cancer and heart disease, for example, varies widely around the world, but that's far more attributable to differences in environmental, political, and cultural practices than to difference in genetic endowment, which are minimal among the races. When Third World migrants move to the United States, their susceptibility to cancer and heart disease usually goes up as they adopt the American lifestyle. And when "civilization" comes to the Third World (in the form of McDonalds' chains, belching automobiles, factories, cigarettes, and urban living) so do elevated rates of heart disease and cancer.

Or consider the startling difference in mortality between Utah and Nevada. The populations of these two contiguous states are hardly genetically diverse. Moreover, they are quite similar in their access to health care and average income. Yet infant mortality in Nevada is 40 percent higher than in Utah, and adult men and women in Nevada face a comparably increased chance of premature death. As the health-care economist Victor Fuchs has pointed out, it's hard not to attribute much of the difference to the fact that 70 percent of Utah's population follows the strictures of the Mormon Church, which instructs followers to abstain from tobacco and alcohol and avoid premarital sex and divorce. Nevada, with its freewheeling, laissez-faire culture, has the highest incidence of smoking-related death in the United States, and Utah the lowest. Culture and behavior, this example seems to suggest, are much more important to determining human lifespan than genetic endowment.

The point is a hard one, since most human beings, and especially Americans, would far prefer laboratory solutions to their health problems over solutions requiring wholesale changes in their lifestyles and governing institutions. So we throw money at NIH for molecular-level investigations of the human genome and hope, however naïvely, that this desperate investment can save us not only from consequences of our individual and collective vices, but from the aging process itself. Yet epidemiologists report that social and behavioral factors such as smoking, diet, alcohol use, and sedentary lifestyles contribute to half of all deaths in the United States, while poverty remains a health threat of incalculable toxicity. And though genetic interventions may one day help a few more people to put off the day they will die, it's unlikely society will ever be able to afford to grow enough replacement hearts, lungs, and other internal organs to make a significant difference in the health status of the population as a whole. With enough money and expertise, one can keep a 1961 Studebaker running indefinitely, too, but the cost of its operation will grow inexorably as time and entropy inevitably cause more and more parts to fail. Keeping the car going by replacing its clutch leaves the car with an elevated chance of being banged up when the brakes fail, and replacing the brakes creates an elevated chance of future transmission problems, and so on forever. At some point, it's time for a new car.

Wade is a journalist with a science beat, and there are few in the business who have covered the daily tick-tock of biomedical advances as well as he. But anyone writing a book on how the genetic revolution is likely to affect medicine needs to apply more skepticism than Wade does to the claims made by the various players in the biomedical-industrial complex, most of whom have deep incentives to exaggerate the promise of their research agendas as they seek to raise funds on Capitol Hill or Wall Street. Many other voices in science and medicine view those agendas as examples of naive reductionism and are calling for greater emphasis on the larger-scale forces that affect human health, from the social organization of medicine itself, to the cultural gene defects that program so many of us to self destruct before our time. At the most, mapping the genome will help us figure out more complex processes, but even most microbiologists would agree, at least when they're not up for an NIH grant, that the human body is nothing like a self-contained machine, and it has no simple blueprint. Wade's readers deserve to know that.

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Political Booknotes

Little Wing

By Alan Ehrenhalt

BACK IN THE 1950S, WHEN hardly anyone questioned the link between technology and utopia, popular magazines loved to speculate about the way ordinary human life would be lived a generation down the road—at the start of the 21st century. *Life* and *Look* and *Colliers'* all had a weakness for full-color illustrations of people being waited on by robots and popping little pills to immunize themselves against cancer.

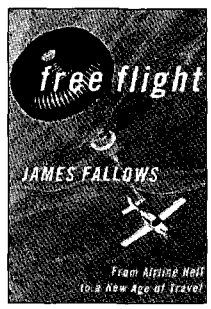
But of all the futuristic '50s guesswork that went wrong, two examples in particular are revealing. One is the inability even to imagine the changes that lay ahead in personal communication. The other is the wildly excessive predictions of change in transportation.

The futurists of the postwar years had a vague idea that something interesting would happen to telephones. They drew pictures of people walking down the street talking into tiny gadgets that resembled Dick Tracy's two-way wrist radio. That has happened. But the same seers completely missed the boat on computers. Never in their wildest dreams did most '50s futurists imagine e-mail, or the Internet, or even the desktop personal computer.

When it came to travel, however, they erred in the other direction. A common assumption was that by 2001, many of us would be darting from home to work in tiny supersonic aircraft, or perhaps flying without aircraft at all, merely strapping on powerful battery packs and soaring from the back yard straight into the sky. Nobody envisioned the sad truth: an air transportation system strangled by delays and overcrowded airports, dependent on huge planes filled with uncomfortable passengers squeezed into narrow seats awaiting the delivery of pretzels.

How did this happen? Why was there no revolution in personal travel to match the one that occurred in personal communication? Is there any way such a revolution could still take place? Those are the questions James Fallows tries to answer in his intriguing new book, *Free Flight*.

Reduced to its essentials, Fallows' argument is that the transportation equivalent of the Internet Age was in fact possible—it's just that nobody tried very hard to bring it about. The manufacturers of private planes—the leaders of the general aviation industry—lost their sense of adventure altogether. Nothing new or interesting was brought to the market. The number of private planes in the air is declining, and most of them are 20 or even 30 years old. "It's as if," Fallows writes, "people considering rental cars had only the '57 Chevies of Havana to choose from." Thousands of small airports all over the country sit largely unused, while O'Hare, Hartsfield, and La Guardia flirt maddeningly with gridlock every summer.



FREE FLIGHT:
From Airline Hell to a New Age of Travel
by James Fallows
Public Affairs, $25.00

That's the problem. What some will dispute is Fallows' solution: a whole new generation of technologically intelligent small planes, with control panels almost as simple as the desktop of a PC, and with safety features to which even the squeamish traveler will entrust his life.

Unknown to most of us, work on such planes has actually been underway for the past two decades. Fallows devotes much of his book to the saga of the Klapmeier brothers, Alan and Dale, whose Cirrus Corporation, in Duluth, Minnesota, has not only designed a radically new small plane, but has started building it and delivering it to customers. The Klapmeiers' most advanced creations, the SR 20 and the SR 22, feature redesigned cockpits that compare to those of older planes roughly the way Windows relates to DOS: You don't have to remember what to do next, the computer tells you. Often it doesn't even bother telling you. It just does the work on its own. Most remarkable of all, each of the new Cirrus planes is equipped with a parachute strong enough to float the entire aircraft. When things really get sticky, the pilot just pulls a switch and the whole 20,000-pound contraption settles gently down to earth.

By the end of last year, the Klapmeiers already had taken orders for 700 of these planes. Fallows sees them, and others yet to be invented, as the answer to the commercial chaos of the American skies. "With nicer small planes like the Cirrus," Fallows writes, "it seems reasonable that more people would become enthusiasts... more civilians would welcome an alternative to the airlines. The equipment that can make the alternative a reality is in prospect."

Fallows also documents the creation of a different aircraft: the Eclipse 500, a general aviation jet which, he argues, will have an even greater role in ending airport gridlock. Born of a partnership between NASA planners and private-sector entrepreneurs, this new craft, still in the development stage, promises to be safer, easier to fly, and vastly less expensive than today's corporate jets. If the jet's performance matches its early hype, it could lead, Fallows predicts, to fleets of taxi-like jets that will pick you up at the nearest small airport, and drop you off at the small airport nearest your destination.

I don't know. I've never flown a plane myself. I don't want to get caught laughing at the Wright brothers. But Fallows never quite makes it clear just how the new air transportation system would work. If millions of ordinary individuals were

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piloting their own planes, wouldn't things get a little crowded up there? If, on the other hand, salvation is to be based on the new fleet of small, but highly sophisticated, commercial jets, each one carrying a load of eight or 10 passengers nonstop from, say, Sioux Falls to Cedar Rapids, avoiding the delay and inconvenience of the hub-and-spoke system? I can see the appeal of a system like this. But in a deregulated environment, could anyone keep the price down and still make money running it? That seems to me a fairly important uncertainty.

Fallows isn't arguing that the new generation of small planes will ever be practical for flying commercial passengers coast to coast. That will continue to be the role of the jumbo jets and their modestly enhanced successors. It's the shorter routes, in his view, that need the new system: Seattle to Portland, Washington to Philadelphia, Lake Tahoe to San Francisco. Those are all a couple of hundred miles or so. The Cirrus could cover any of them in barely an hour, door to door.

Whatever the complications, it's an appealing idea. And it may well be that, two decades from now, the small plane revival will be part of our lives, just as small computers became part of life in the 1990s. I hope that it happens, and that in the year 2021, traveling from Washington to Philadelphia by air will be a lot easier than it is now. But even if I'm around, I don't think I'll be doing it. I'll be on the train, watching the abandoned factories roll by. And if I'm not mistaken, getting there will be just about as fast.

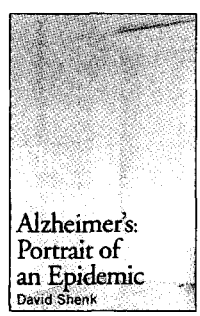
ALAN EHRENHALT *is the editor of* GOVERNING *magazine.*

Remembrance of Things Past

By Shannon Brownlee

FOR THOSE OF US OF A CERTAIN age, fretting about Alzheimer's goes beyond the usual worries that come with aging—that we will dribble soup on our shirts, or become financial burdens to our children, or die alone and forgotten in some urine-soaked bed in a nursing home. Admit it. You felt that frisson of fear the first time you turned to the list of phone numbers pinned to your bulletin board, only to realize you couldn't remember the name of the person you wanted to call. And when you searched the entire house only to discover the car keys in the ignition, or a bathroom drawer, or the refrigerator, you thought to yourself: This is the beginning.

Alzheimer's engenders a special kind of horror that has little to do with how it will actually feel to be afflicted, since victims are largely unaware of what is happening to them by the time the disease destroys the mind. For one thing, Alzheimer's, like tuberculosis in the 19th century and cancer in the 20th, has been encumbered by metaphor. In destroying memory, it slowly robs the self, leaving behind an uninhabited body, a husk of a person. That's a particularly cruel fate for members of the baby-boomer "me" generation, we who transformed society in the '60s, who became masters of the universe on Wall Street, who ushered in the biggest economic boom in history, and who are now turning to collagen injections and biceps implants in attempts to stay young forever. On a more practical level, 15 million of us will be diagnosed with Alzheimer's by 2050, at an estimated annual cost of $700 billion. If we think Social Security isn't going to have enough young workers to sustain it, we should also be wondering who is going to take care of us when we can't remember what a car is, let alone where we put the keys.



THE FORGETTING:
Alzheimer's: Portrait of an Epidemic
by David Shenk
Doubleday, $26.00

The Forgetting offers some comfort. As author David Shenk makes clear, the race to find a cure or a treatment for Alzheimer's is proceeding at breakneck speed, and chances are good that science will beat the aging of the boomers. The author of *Data Smog*, a penetrating look at technology's cultural impact, Shenk explains the biology of Alzheimer's with uncommon clarity. Even the most steadfast of scientifically illiterate readers can grasp how the disease slowly obliterates the mind by littering the brain with sticky clumps of dead tissues, and tangling the scaffolding that supports the neurons necessary for memory. But this is not merely the story of the race for a cure. As good as the science in this book is, it takes a back seat to Shenk's eloquent reflections on the meaning of memory and aging, and their connection to our sense of self.

The Forgetting is at its best when Shenk is describing how memory works, and how its loss can have unexpected benefits. In the early stages of Alzheimer's, he explains, the short circuiting of short-term memory often forces patients to live in the Now, bringing an enriched awareness. One woman describes gazing at a red geranium, looking away, and then turning back to see the flower blaze anew. "All of waking life is a stew of familiar and unfamiliar experiences," writes Shenk. "It is the brain's job to turn the unfamiliar into the familiar . . . [so] a person can do many things at once." Alzheimer's, as he puts it, "keeps things new."

For master abstract-expressionist painter Willem de Kooning, Alzheimer's also brought a freedom from the tyranny of conscious thought, and a period of extraordinary productiveness near the end of his life. In the late 1970s, de Kooning began showing the early signs of the disease, just as he was recovering from alcoholism and a period of hackneyed, sloppy painting. Over the next decade, as Alzheimer's picked off bits of the painter's memory, de Kooning produced an astonishing 341 luminous canvases, joyful paintings that some critics consider his best work. De Kooning's story and those of other public figures who suffered from

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Alzheimer's, including Ronald Reagan, Ralph Waldo Emerson, and Jonathan Swift, make for fascinating reading, and Shenk tells them with dry humor and gentle insight.

All of which made it particularly frustrating to find that *The Forgetting* left me strangely cold. Perhaps it was because the book never really digs into the nitty-gritty of what it's like to be cooped up at home caring for a parent or spouse with Alzheimer's. Or because Shenk's descriptions of the disease often make it seem almost benign, a kind of sweet forgetfulness or second childhood. But when your two-year-old throws a tantrum, he generally doesn't throw a chair through a plate-glass window, as one Alzheimer's sufferer I know did. Sure, some Alzheimer's victims may slip into a quiet oblivion, but others have been known to mistake paint for juice, refuse to bathe, eat food without utensils, parade naked in front of guests, put the family's cats to sleep. I found myself longing for the emotional punch of Marion Roach's *Another Name for Madness*, the memoir of her beautiful, middle-aged mother's descent into Alzheimer's, a book that makes abundantly clear why the disease is classified medically as a dementia.

Near the end of *The Forgetting*, Shenk writes, "[Alzheimer's] is a condition specific to humans and as old as humanity that, like nothing else, acquaints us with life's richness by ever so gradually drawing down the curtains. Only through modern science has this poignancy been reduced to a plain horror, an utterly unhuman circumstance." Maybe so, but I am putting my money on the folks in the white lab coats, in the hopes that they will come up with a cure, or at least some kind of treatment, and soon. Now, if only I could remember the name of the person I wanted to call.

SHANNON BROWNLEE *is a freelance writer in Maryland.*

Alma Matters

By Jason Zalinger

LAST MAY, I LEFT MY DORM room and made the long trek across the University of Connecticut's attractive and sprawling campus to the English department to have my adviser sign my degree-completion forms. This was the last document I needed to graduate. After he signed, my adviser asked me bluntly, "Did you enjoy your time as an English major?" Of course, I told him. I was proud of my degree. His face lit up. "That's terrific," he replied. "Most people really regret it."

His comment shook me. What did he mean most English majors regret it? Should I have picked a different major? And most important, *where was this sagacious advice when I was a freshman*? Indeed, in all the meetings I had with my adviser over four years, at which he signed off on my course schedule, I don't remember ever getting any useful academic advice.

THE ROLE OF THE AMERICAN UNIVERSITY: The Creation of the Future
by Frank H. T. Rhodes
Cornell University Press, $29.95

Had Frank H.T. Rhodes been my adviser, he might have summoned the following defense of the oft-maligned liberal-arts degree: "From ancient Egypt and Greece to Renaissance Italy ... it has been in the most literal sense the embodiment of insight, an assertion of the human spirit ... Education, unleavened by the sense of beauty and luminosity that art can provide, is a wasteland." Now that would have made me feel a whole lot better.

The inadequacies of the academic advisory system are just one of the many university shortfalls that Rhodes chronicles in *The Role of the American University: The Creation of the Future*. Rhodes, president emeritus at Cornell University, argues that, although the American university system is the best in the world, there are pressing issues which must be addressed if we're to maintain this dominance in the next

BACK TO SCHOOL READING:

On July 12, *The Washington Monthly* & the Annenberg Public Policy Center of the University of Pennsylvania hosted a panel discussion, "Leave No Superintendent Behind: Urban School Improvement As Seen From the Trenches – Is The National Debate Addressing the Real Issues?" showcasing some leading urban superintendents describing their concerns about current proposals for education reform.

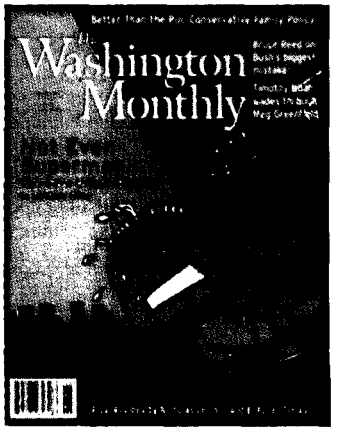
Read online at: http://www.appcpenn.org/ the transcript of remarks from:

Roy Romer, Superintendent of LosAngeles City Schools

Harold Levy, Chancellor of New York City Schools

David Hornbeck, former Superintendent of Philadelphia Schools

Gene Hickok, Undersecretary of Education



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century.

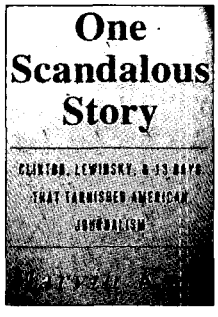
He picks a wide range of targets for his critique. But he is a bit short on specific solutions. For instance he condemns the ever-increasing size of research universities for eroding a sense of community. UConn is a big research university, and I sometimes felt like I spent my time wandering, not really a part of anything more than my circle of friends. Rhodes calls this a "catastrophe" for it "undermines the very foundation on which the universities were established." And Rhodes' answer to this problem, drum roll please: establish a "meaningful dialogue" with students, professors, and administrators.

He also takes on the problem of grade inflation. The supposedly average mark, C, has become a rarity nowadays. This creates a perverse incentive. The worst students can rely on a "reasonable grade with inadequate work," while the best students watch their classmates receive similar grades for slacking off. What Rhodes misses, perhaps because he has not taught a class in some years, is the souk-like bargaining that often drives grade inflation today. I personally quibbled with teachers about grades, much like haggling over the price of a trout at the local fish market, and sometimes I got a better deal. But the only solution Rhodes seems to provide, that "the university must demand higher standards of its students" is, like much of the book, little more than vague suggestion.

Rhodes rightly notes how basic science courses are often so math-intensive that they overwhelm non-science majors. I can attest to that. I spent four years shucking and jiving stringent math and science requirements. I didn't want to go to med-school; I just wanted to be broadly literate in the sciences. If we want to prepare the not-so-scientific to become exalted "citizens of the world," as Rhodes does, then we must make these courses more user-friendly. This makes sense, but he offers no specifics on how to do this. Why not put under the microscope the average Physics 101 curriculum and explain to us precisely how it could be made more "user-friendly"?

Early on in the book we are told that Johns Hopkins is the model research university. Later on we find out again, and later still, the fact appears once more. Not unlike an undergraduate essay, Rhodes' book has a tendency to ramble and repeat itself. It appears padded, almost as though the author had mastered the late-night trick of toying with the font size to make a paper appear longer.

Rhodes offers some good profiles of outstanding teachers such as Mary Sansalone, the young hotshot Cornell professor of civil and environmental engineering, whose exciting classroom technique creates such a clamor that her colleagues have to knock on the door and ask her to quiet down. I had a few of these inspired professors, and they made all the difference. Such stories breathe life into what is sometimes a tiring read. I wish he had included more.



ONE SCANDALOUS STORY:
Clinton, Lewinsky, and Thirteen Days That Tarnished American Journalism
by Marvin Kalb
Free Press, $25.00

I also wish he had spent more time in the kinds of classrooms I sometimes found myself in, led by teaching assistants with limited English skills. Rhodes does acknowledge that many TA's are foreign-born and speak with accents. He displays downright denial, however, about the severity and frequency of this problem when he remarks, "They could never get into graduate school if they were unable to speak English." Tell that to the student in my freshman math class who, after months of struggling to understand our "foreign-born" student-teacher, finally unleashed a fusillade of profanity and ran shrieking from the classroom.

I feel I received a fine education at UConn. But like that of most research universities, where students often play second or third fiddle, it could have been better. For all the faults of the book, Rhodes is a saint for pointing this out.

JASON ZALINGER *is an intern at* The Washington Monthly.

Meditations on Monica Madness

By Joshua Micah Marshall

JOURNALISM MAY BE HISTORY'S first draft, but journalists often now write the second draft as well. Many of the reporters who helped break the Clinton-Lewinsky scandal have now written books about the case, mixing gems from their notebooks with Woodward-esque narratives detailing their own hunt for the big journalistic prize. With so much already written, it's a challenge to find much worthwhile left to say. But veteran journalist-turned-Harvard-professor Marvin Kalb has managed to do so, writing a surprisingly brisk story focused not on the actors in the drama but on the journalists who covered it and how they often compromised professional standards while navigating the pressure-filled environment.

Kalb looks at the 13 days between January 13 and January 25, 1998 (*The Washington Post* broke the Lewinsky story on January 21), zeroing in on reporters, editors, and producers in a detailed narrative that traces various investigators as they piece together the story, and watches them as they plead with their editors to go to press, often only to be scooped by happenstance or bad luck. This minute-by-minute account, which fills roughly half the book, functions like an instant replay, slowing the torrent of events to an analyzable speed. Such an approach could have been tedious, but the result is a strikingly good read: Kalb generates surprising suspense by expanding the narrative to show just how little time journalists had to operate.

The second half of the book is an exacting—sometimes painfully exacting—analysis of the methods and sourcing standards reporters used in the scandal's first days. Like it or not,

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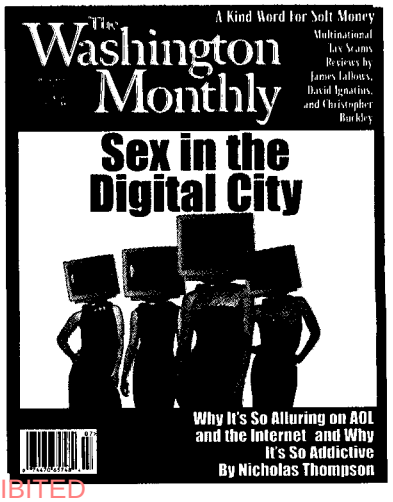

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readers will learn the percentages of single-, double-, and triple-sourced stories; the ratios of off- to on-the-record comments; and numerous disapproving citations of the obfuscatory phrases ("ABC News has learned...") used to bypass the pesky problem of sources altogether—a practice Kalb finds only slightly less offensive than Monica's semen-stained dress.

The highlight of Kalb's book is his careful dissection of one of the scandal's great non-stories: the allegation that a White House staffer—perhaps a Secret Service agent—had happened upon Clinton and Lewinsky *in flagrante* in the Oval Office. First reported by Jackie Judd on ABC News, several permutations of the story ricocheted around the media universe for days, eventually forcing embarrassing retractions from two of the nation's most prestigious papers, *The Wall Street Journal* and *The Dallas Morning News*. The false rumor captures the pitfalls journalists encounter when they ignore the by-the-book approach Kalb so sternly advocates.

The heroes in this episode are John Broder and Steve Labaton of *The New York Times*, who spiked their own story about the tryst's eyewitness at the last moment when they suddenly realized something their competitors did not: Their "sources" (four of them, in fact) were not really sources at all. The pressure on the pair was intense, not least because their story looked big enough to offset the *Post's* having scooped the *Times* in breaking the Lewinsky story. Yet careful last-minute spadework indicated that rather than four knowledgeable sources, what they actually had were, in Kalb's words, "four different people who seemed either to be echoing the Judd report [from ABC News] without any independent confirmation of their own or conveying and then embellishing a rumor they had heard about an agent 'stumbling' upon the president with a young woman."

Like an echo chamber, the combustible scandal atmosphere had ricocheted a single rumor in so many directions that it seemed to many as though it were being confirmed from numerous sources. Only uncommon restraint and exacting self-scrutiny kept Broder and Labaton from falling into the trap that snared their peers. Later they learned that each of their four "sources" might actually have picked up the rumor from the same individual, former U.S. Attorney (and ubiquitous talking head) Joe DiGenova.

No one who seeks to understand how this scandal was covered and how well the media acquitted itself can afford to disregard Kalb's book. Yet if the anecdote of the "disappearing" witness highlights the strengths of Kalb's critique, it also exposes its limits: Kalb, like most contemporary media critics, emphasizes journalism's procedural details at the expense of a more substantive analysis.

What is most striking about the Lewinsky scandal is how many of the facts reported in the first hectic days of the story turned out to be accurate. The president really did have an affair with a 24-year-old intern; Tripp really did have explicit audiotapes of her conversations with Lewinsky; and there really was a semen-stained dress. Where the reporting broke down was not in gathering these facts but in interpreting them. To cite a key example, there really was a "talking-points memo" seemingly intended to guide Linda Tripp in falsifying her testimony. But the consensus among reporters that Lewinsky could not have been its author (she was too dumb)—and that therefore it must have originated in the Clinton camp (they were all unethical schemers)—proved to be false.

Kalb is neither indifferent to nor unaware of this distinction. But the framework of his indictment collapses when you pull back and realize the early coverage wasn't really all that bad. Sure, there were some screw-ups. Traditional sourcing standards did fray under the pressures of the moment. And reporting was mixed with a good deal of breathless speculation, particularly on ABC. But for the most part, reputable reporters played by the book and got their facts right.

The problem, if one must be identified, was not that reporters had too few sources or that they forced too few of them to talk "on the record." It was that most of their sources hailed from one side of the scandal—namely, from the Office of the Independent Counsel and its various allies. Consequently, most of the reporters covering the case came to reflexively credit Starr's interpretation of events. In doing so, journalists lost sight of the forest for the trees. If reporters such as *The Washington Post*'s Susan Schmidt (who was notorious in this respect) had given readers more information about their sources, more of them might have grasped the stories' pervasive slant. But this begs the question: Why were the stories so slanted?

The answer lies in the intractable issues of bias, reporters' deeply ingrained attitudes towards the scandal's major players, and lapses of judgment too complicated to have been solved simply by hewing to the picayune rules of journalism. Kalb's critique never quite captures what was wrong. Getting at those issues would require media criticism that more closely resembles cultural or literary criticism—an intriguing prospect. In *One Scandalous Story* these issues lurk just beneath the surface. But in the same way the Lewinsky scandal frenzy blotted out the larger issues, Kalb's own journalistic strictures prevent them from breaking through.

JOSHUA MICAH MARSHALL *writes the* Talking Points Memo *(j-marshall.com/talk) from Washington, DC.*

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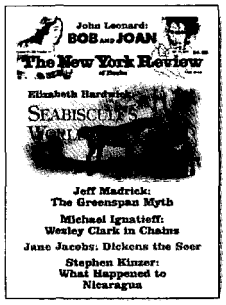

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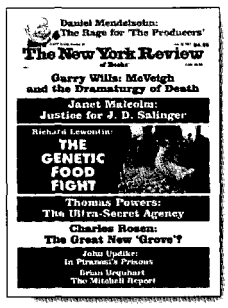

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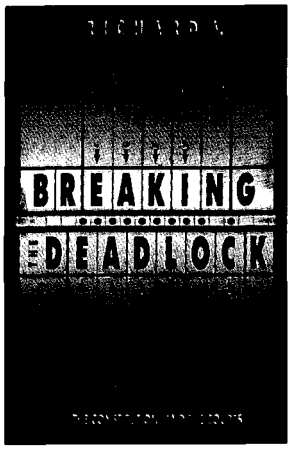

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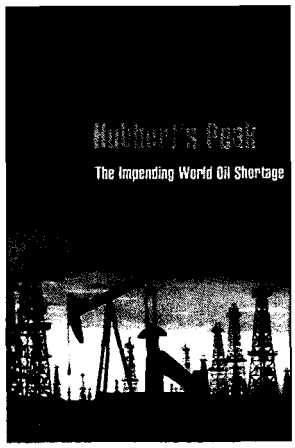

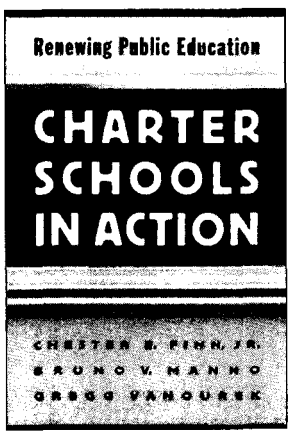

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